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Staff: Jo Ginsberg
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Meeting of: Sept. 16, 1999

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director
Steven F. Scholl, Deputy Director
Robert Merrill, North Coast District Manager
Jo Ginsberg, North Coast Planner

SUBJECT: **MENDOCINO COUNTY LCP AMENDMENT No. 2-98 (Major: Gualala Town Plan and Zoning)** (For Public Hearing and Possible Action at the California Coastal Commission meeting of September 14-17, 1999)

REVISED STAFF REPORT

SYNOPSIS:

A. BACKGROUND AND AMENDMENT DESCRIPTION:

1. Amendment Description.

Mendocino County is proposing to amend its Land Use Plan and corresponding Implementation Plan text and maps through a variety of additions, revisions, clarifications, and deletions. As submitted, Mendocino County's LCP Amendment No. 2-98 (Major: Gualala Town Plan) would establish a Gualala Town Plan (GTP) consisting of: (1) proposed revisions to the text and land use maps of the Coastal Element of the County's General Plan (LUP) providing specific goals and policies intended to guide development in the GTP planning area approximately 30 years into the future; (2) an associated change to the zoning maps; and (3) an ordinance amendment providing revisions as necessary to maintain consistency with the proposed general plan and zone changes, as well as to incorporate four newly-created zoning districts and a provision for development of a limited number of second residential units in the GTP planning area.

The GTP planning area covers the southernmost portion of the Mendocino County coastal zone, and includes the small community of Gualala. The planning area is roughly bounded by the Gualala River on the south, the Pacific Ocean on the west, Old Stage Road on the east, and the Marine View and Pacific View subdivisions, Pacific Woods Road, and the Ocean Ridge subdivision on the north.

The Gualala Town Plan amends the Mendocino County Coastal Element (LUP), providing specific goals and policies guiding development in the GTP planning area. The GTP reflects community issues such as balancing the residential and commercial development within the community, concentrating development within the Town Plan area, establishing a visual community identity, reducing dispersed strip development adjacent to State Route 1, enhancing scenic opportunities that exist within the town plan area, and creating a pedestrian-oriented community by planning for pedestrian/bicycle walkways and trails.

The proposed GTP will be implemented by the Mendocino County Coastal Zoning Code, which is proposed to be amended. Amendments to the Zoning Code will incorporate the four newly-created zoning districts proposed to be applied to the Gualala commercial area, as well as to accommodate the provision for second residential units in the Town Plan area east of State Route 1. Other provisions of the Coastal Zoning Code, such as Use Type definitions, regulations pertaining to residential zoning districts, off-street parking, signage, environmentally sensitive habitat areas, etc., unless specifically regulated pursuant to the GTP, will continue to apply to development within the GTP planning area. It should be noted that the Gualala Town Plan is *not* a new LCP segment, but an addition and modification to the existing certified Mendocino County Local Coastal Program.

The major changes proposed by LCP Amendment No. 2-98 include:

- A. Replacement of the existing “Commercial” zoning designation with new zoning designations of Gualala Village Mixed Use (GVMU), Gualala Highway Mixed Use (GHMU), and Gualala Planned Development (GPD), which allow residential uses as a principally permitted use. In the proposed new GPD districts, a minimum of 50% of the total lot area must be dedicated to residential uses. Residential development on existing commercial parcels is currently a conditional use, requiring a use permit.

These three new zoning districts provide more restrictive development standards than the current commercial zoning. For example, under the current zoning regulations, maximum building height in the commercial district is 35 feet. Maximum building height in the proposed new GVMU district is 28 feet east of Highway One and 18 feet west of Highway One; and is 28 feet in the proposed new GHMU and GPD districts. Maximum lot coverage and maximum floor-area ratios are also more restrictive in the proposed new districts than in the current commercial zones.

- B. Increasing the potential residential buildout in Gualala by 428 dwelling units, resulting from (a) allowing residential uses as principally permitted uses in the Mixed Use districts; (b) requiring at least 50% of the acreage of Gualala Planned Development district parcels to be developed with residential uses; and (c) permitting second residential units on all legal parcels within the Gualala Town Plan area, with the exception of parcels west of Highway One, up to a maximum of 100 second units within the Town Plan area.
- C. Extending the urban-rural boundary to encompass within the urban area the entire Gualala Town Plan area.

2. Previous Commission Consideration.

On September 28, 1998 the Commission received the proposed amendment from the County of Mendocino. The Executive Director determined that the County's LCP amendment submittal was in proper order and legally adequate to comply with the requirements of Section 30510(b) of the California Coastal Act.

Pursuant to Section 30512 of the California Coastal Act, LCP Amendment No. 2-98 must be scheduled for public hearing and the Commission must take action within 90 days after receipt of a complete transmittal. Due to the length and complexity of the submittal, a thorough review by staff was not possible in time for the staff to prepare a recommendation on the merits of the LCP amendment for the December Commission meeting. Coastal Act Section 30517 and Section 13535(c) of the California Code of Regulations states that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year. Pursuant to this regulation, on December 9, 1998, the Commission extended the 90-day time limit for one year.

The item was opened and continued at the Commission hearing of July 15, 1999.

3. Revisions to Staff Report.

Staff has responded to concerns voiced by the Commission at the July 1999 hearing by adding some modifications and changes to the staff report to reflect the concerns of the Commission regarding seawalls and polluted runoff. Staff has added two new suggested modifications, No. 26, concerning geologic hazards and seawalls, and No. 27, concerning best management practices to prevent polluted runoff, and has made some additions to Suggested Modification No. 11, concerning Protection of Environmental Resources.

4. Waste Diversion Issue.

Concerning the water issue raised by the Commission, staff notes that the State Water Resources Control Board (SWRCB) sets limits on the amount of water that may be drawn from the North Fork Gualala River, and that the North Gualala Water Company (NGWC) has an application pending for a new diversion permit. In addition, the SWRCB requires minimum fish bypass flows for various times of year so that the anadromous fish will not be affected by drawdown of the river (see pages 64-65). Furthermore, Suggested Modifications have been added to the Gualala Town Plan to ensure that adequate water is available for any proposed new development. Suggested Modification No. 12, for example, adds a new section to the Town Plan, Water and Sewer Services, which includes, among other things, a new policy that states that either a hook-up to the North Gualala Water Company or an adequate, approved on-site water system shall be available to serve any development. Thus, no new development will be approved within the Town Plan area unless adequate water services are available.

The Attachment to the staff report includes the goals and policies of the proposed Town Plan, as well as the proposed changes to the existing Land Use Plan and Zoning Code.

SUMMARY OF STAFF RECOMMENDATION:

The bulk of the proposed Gualala Town Plan and Zoning Ordinance changes as submitted are adequate to meet the requirements of the Coastal Act. However, a number of modifications are suggested to address limited aspects of the LCP and to further clarify or correct errors or inconsistencies in the Plan and Zoning Ordinance.

Some of the main suggested modifications include deletion of the proposed expansion of the urban boundary; requiring design review by GMAC for new development in the three new Mixed Use districts; adding a new section on Visitor-Serving Facilities that requires the protection of visitor-serving and recreational facilities; adding a new chapter in the Policy Section of the GTP for Water and Sewer Services; adding language in the Zoning Code that specifies what the Principal Permitted Uses are in various zoning districts for purposes of appeals to the Coastal Commission; and adding a requirement in the Zoning Code that coastal permits for new blufftop development must be conditioned to prohibit the construction of seawalls.

The Commission's procedures require that if the Commission wishes to certify an amendment with modifications, the Commission must first deny the LCP amendment request as submitted, and then certify the amendment if modified as suggested to incorporate the recommended changes. Therefore, staff recommends that the Commission, upon completion of the public hearing, deny both the Land Use Plan and

Implementation Program components of the amendment as submitted, and then certify the amendment if modified as suggested.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 9-11 of this report.

ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendments to the Zoning Ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

ADDITIONAL INFORMATION

For additional information about the proposed Amendment, or to receive copies of the Draft Gualala Town Plan, please contact Jo Ginsberg at the North Coast Area Office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

GUIDE TO GOALS, POLICIES, AND SUGGESTED MODIFICATIONS BY COASTAL RESOURCE ISSUE

ISSUES	GTP	LUP	ZONING CODE	SUGGESTED MOD
Water and Sewer Service	Goals 2.5-2, 2.5-3, 2.7-3; Policies 3.1-2, 3.8-1, 3.8-3, 3.8-4	Policies 3.8-1, 3.8-8, 3.8-9, 3.9-1, 4.12-1	Sec.20.516.015	Suggested Mods 5, 12, 15, 16, 28
Second Units	Policy 3.2-3		Chapter 20.458	Sugg. Mod 23
Highway One Capacity/ Parking	Goal 2.5-2; Policies 3.3-4, 3.4-13 thru 3.4-19, 3.6-1, 3.6-10 thru 3.6-12	Policies 3.8-1 thru 3.8-5, 4.12-3 thru 4.12-7	Chapter 20.472	Suggested Mod No. 9
Visitor-Serving Facilities	Policy 3.3-7	Policies 3.7-1 thru 3.7-7, 4.12-1	Chapter 20.436	Suggested Mods 10, 12, 13, 20
Public Access and Recreation	Goals 2.4-4, 2.6-1 thru 2.6-6, 3.3-3, 3.7-1 thru 3.7-7	Policies 3.6-1 thru 3.6-30	Chapter 20.528, Sec.20.532.085	Suggested Mods 7, 10
Visual Resources/ Design Review	Goals 2.4-4, 2.7-2; Policies 3.1-4, 3.3-2, 3.4-2 thru 3.4-7, 3.4-9 thru 3.4-12, 3.4-22, 3.4-26, 3.4-28, 3.4-32, 3.4-33	Policies 3.5-1, 3.5-5, 3.5-8, 3.5-9	Chapter 20.504	Suggested Mods 8, 13, 21
ESHA	Goal 2.7-3; Policies 3.8-1 thru 3.8-3	Policies 3.1-1 thru 3.1-33	Chapter 20.496, Sec.20.532.060, Sec.20.532.065	Suggested Mods 13, 14, 21, 25
Water Quality		Policies 3.1-7, 3.1-11, 3.1-12, 3.1-14, 3.1-25, 3.1-26, 3.1-27, 3.1-31	Chapter 20.492	Suggested Mods 11, 27
Geologic Hazards		Policies 3.4-1-3.4-12	Chapter 20.500, Sec.20.532.070	Suggested Mods 11, 26
Timber Resources	Goal 2.7-1; Policies 3.1-3	Policies 3.3-1 thru 3.3-9	Chapter 20.510	Suggested Mod No. 5

This Table shows where the various coastal resource issues are addressed in the proposed GTP, the existing LUP and Zoning Code (plus proposed changes to the LCP), and the Coastal Commission's Suggested Modifications.

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**PART ONE: STAFF RECOMMENDATION, MOTIONS, RESOLUTIONS,
AND SUGGESTED MODIFICATIONS**

I. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS

A. DENIAL OF LUP AMENDMENT 2-98, AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution:

MOTION I: Denial of the LUP Portion

“I hereby move that the Commission certify Amendment No. 2-98 to the Mendocino County Land Use Plan as submitted by the County.”

Staff recommends a NO vote. A majority of appointed Commissioners is required to pass the motion.

RESOLUTION I:

The Commission hereby denies certification for Amendment No. 2-98 to the Mendocino County Land Use Plan for the specific reasons discussed below in the findings on the grounds that, as submitted, it does not meet the requirements of and is not in conformity with Chapter 3 of the Coastal Act.

B. APPROVAL OF LUP AMENDMENT NO. 2-98 IF MODIFIED AS SUGGESTED:

Staff recommends that the Commission adopt the following resolution:

MOTION II: Approval of LUP Amendment 2-98 if Modified as Suggested

“I move that the Commission certify Amendment No. 2-98 to the Mendocino County Land Use Plan as submitted by the County, if modified as suggested.”

Staff recommends a YES vote. An affirmative vote by the majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION II:

The Commission hereby certifies Amendment No. 2-98 to the Mendocino County Land Use Plan, if modified as suggested, for the reasons discussed in the findings below on the

grounds that, as modified, the Land Use Plan as amended meets the requirements of Chapter 3 of the Coastal Act. This amendment, as modified, is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

C. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. 2-98, AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution:

MOTION III: Denial of the IP Portion

“I hereby move that the Commission reject the Implementation Program of the Mendocino County Local Coastal Program.”

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings below. An affirmative vote of the majority of the Commissioners present is needed to pass the motion.

RESOLUTION III:

The commission hereby rejects the Implementation Program of the Mendocino County LCP on the grounds that, as submitted, it does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA, that the approval of the Implementation Program would have on the environment.

D. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT 2-98 IF MODIFIED AS SUGGESTED:

Staff recommends that the Commission adopt the following resolution:

MOTION IV: Approval of the IP Portion

“I hereby move that the Commission approve the Implementation Program of the Mendocino County Local Coastal Program, if modified as suggested.”

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings below. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION IV TO CERTIFY THE IMPLEMENTATION PROGRAM IF MODIFIED:

The Commission hereby approves certification of the Zoning and Implementation portion of the Mendocino County LCP, if modified as suggested, for the reasons discussed in the findings below on the grounds that, as modified, the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA, that the approval of the Zoning and Implementation Program if modified would have on the environment.

II. SUGGESTED MODIFICATIONS:

KEY FOR MODIFICATIONS TO COUNTY LANGUAGE:

The Attachment presents a complete set of the policy and zoning code amendments proposed by the County, showing by italics and strike-through how the proposals would alter the existing LCP text. In this Section, however, the resulting re-worded text proposed by the County is shown in plain type, while additions suggested by the Commission are *italicized*, and suggested deletions are ~~struck through~~.

A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN:

SUGGESTED MODIFICATION NO. 1: Section 1.1 of the Gualala Town Plan shall be modified as follows:

1.1 GUALALA TOWN PLAN

Gualala is a small coastal community situated in the southwest corner of Mendocino County at the mouth of the Gualala River. The town of Gualala is a service center for the south coast of Mendocino County and for The Sea Ranch and northern Sonoma County. While serving a regional population of about 2,500 persons, the scenic beauty and recreational opportunities of the Gualala area attract many thousands of visitors each year.

Gualala is located within the unincorporated area of Mendocino County. Land use decisions are governed by the Mendocino County Local Coastal Program (LCP) and the Mendocino County General Plan, as interpreted by the County Planning Commission and Board of Supervisors.

The Gualala Town Plan amends the Coastal Element of the Mendocino County General Plan, as adopted and certified in November 1985 and revised in March 1991. The regulatory ordinances for implementation of the Gualala Town Plan shall be adopted as amendments to the Mendocino County Coastal Zoning Code (Title 20, Division II of the Mendocino County Code). The Gualala Town Plan provides planning goals and policies establishing a scenario for growth within the Gualala Town Plan area over a 30-year planning horizon.

No land, building, structure, or premises shall be ~~used~~, developed or reconstructed in a manner ~~which~~ *that* is inconsistent with the Gualala Town Plan or the associated zoning ordinance.

SUGGESTED MODIFICATION NO. 2: Section 1.4 of the Gualala Town Plan shall be modified as follows:

1.4 How to Use This Plan

Following this introductory chapter, Chapter 2 provides an overview of the planning issues and goals for the Gualala Town Plan area. Chapter 3 establishes policies for future development in the Town Plan area. Chapter 4 defines the land use classifications for the Gualala Town Plan. Chapter 5 provides definitions, and Chapter 6 contains the appendices.

The Gualala Town Plan amends the Mendocino County Coastal Element, providing specific goals and policies governing development in the Gualala Town Plan area. *It should be noted that both goals and policies are intended to be the standard of review utilized by the permit issuing authority, including the Coastal Commission in its review of an appeal of a project approved by the County within the Town Plan area.* The Town Plan is consistent with the established goals and policies of the Coastal Element which pertain to environment and resources, access and recreation, and development. Several minor text amendments in the Coastal Element ~~are necessary to~~ provide references to the Gualala Town Plan. Amendments to the Land Use Plan maps ~~are necessary to~~ incorporate the revised land use designations for the Gualala Town Plan. *Where there is a conflict among policies within the Town Plan, or between policies in the Town Plan and the rest of the certified LCP, the more restrictive policy shall apply.*

The Gualala Town Plan is implemented by the Mendocino County Coastal Zoning Code (Title 20, Division II). Amendments to the Zoning Code ~~are necessary to~~ incorporate the four newly created zoning districts for the Gualala commercial area and the second residential units ordinance. Other provisions of the Coastal Zoning Code, *including but not limited to* ~~such as~~ Use Type definitions, Residential zoning district regulations, off-street parking regulations, signage regulations, environmentally sensitive habitat area regulations, etc., will continue to apply to development in the Gualala Town Plan area.

~~Should the population growth rate for the Gualala Town Plan planning area exceed 20 percent of the total growth anticipated by the plan in any 5 year increment of the plan's existence, a review/update of the plan should be initiated.~~

NOTE: This last paragraph has been modified, moved to Section 3.2, Residential Development, and renumbered as G3.2-6.

SUGGESTED MODIFICATION NO. 3: Section 2.5 of the Gualala Town Plan shall be modified as follows:

2.5 Public Services and Road Capacity

While it is instructive to look at the total amount of existing and potential residential and commercial development in the Town Plan area, it is also important to understand the various factors that constrain future growth. Development in Gualala is constrained, in part, by the capacity of the infrastructure which serves it. In particular, the capacity of Highway 1, the availability of water, and the capacity of the community sewer system limit both the amount and location of development in the Town Plan area.

Highway 1 Capacity

In the California Coastal Act of 1976, the California legislature mandated that Highway 1 "in rural areas of the coastal zone remain a scenic two-lane roadway" (PRC Section 30254). While this mandate serves as an overall constraint to future growth on the Mendocino coast, highway improvements within urbanized areas, such as Gualala, can increase the local capacity of the roadway to accommodate growth. The Gualala Traffic Study (TJKM, February 1995) evaluates existing and projected traffic conditions on Highway 1 in the Gualala area.

The Traffic Study found that under existing conditions, all intersections and road segments on Highway 1 in the Gualala commercial district were operating at "acceptable" levels of service (LOS) in 1994.¹ The heaviest congestion and delays were experienced at the Sundstrom Mall entry/Highway 1 intersection, which operated at LOS D.

The Traffic Study found that projected increases in traffic volumes on Highway 1 resulting from buildout of commercial and residential lands under the Gualala Town Plan (under the 75/50% Scenario) would degrade operations on Highway 1 from Old State Highway to Pacific Woods Road and at five intersections in the commercial district to a level of service F, which is unacceptable. However, the Traffic Study found that increased traffic volumes can be accommodated if improvements are made to increase the capacity of the Highway 1 corridor within Gualala's commercial district. Recommended improvements necessary to accommodate

increased traffic volumes from projected buildout under the Gualala Town Plan, while ensuring Highway 1 operates at a level of service D or better, include:

- Two-way left-turn lane on Highway One from Old State Highway to Bakertown.
- Development of parallel roadway east of Highway One (along Church Street alignment), with *a* bridges over China Gulch ~~and Robinson Gulch~~.
- Installation of traffic signals on Highway 1 at Old State Highway, Sundstrom Mall and Ocean Drive.
- Left-turn channelization on Highway 1 at Old State Highway, Center Street, Sundstrom Mall, Ocean Drive and Pacific Woods Road.
- Northbound right-turn channelization on Highway 1 at Old State Highway.

At a public meeting to discuss the findings of the Gualala Traffic Study and at subsequent Gualala Municipal Advisory Council meetings, the general consensus was that traffic signals are undesirable, but may eventually be necessary to address public safety concerns. The other recommended improvements are considered acceptable, and alternative approaches to reducing congestion should be encouraged (such as mixed use developments, pedestrian and bicycle facilities, transportation demand management techniques, public transportation).

Goal G2.5-1 To create safe and pleasant pedestrian circulation within the commercial district and to reduce vehicular congestion and improve safety conditions along the Highway 1 corridor.

Water Supply

The entire Gualala Town Plan area is designated a Critical Water Resource zone by the Mendocino County Coastal Ground Water Study (State Department of Water Resources, 1982). Water service in the Gualala Town Plan area is provided in most locations by the North Gualala Water Company (NGWC), a privately-owned, public utility. The service area of the NGWC presently includes approximately 12,000 acres of land extending from the Gualala River north to the Haven's Neck subdivision and Fish Rock Road. The NGWC's primary water source is a production well (well #4) located on the North Fork Gualala River near Elk Prairie. Secondary water sources include two surface water sources at Robinson Gulch and Big Gulch.

The State Department of Health Services (DHS), Division of Drinking Water prepared a recent evaluation of the maximum possible source production from the NGWC's water sources. Assuming a 250 gallons per minute (gpm) production capacity for well #4, 50 gpm at Big Gulch, and 28 gpm at Robinson Gulch, DHS estimated the combined pumping capacity of the three existing water sources during low flow periods at 328 gpm. This is sufficient water to supply approximately 1,700 connections (equivalent meters), or about 783 additional connections beyond the year 1995 service connections.

Standard acceptable engineering practice dictates that a municipal water supply shall be capable of: (1) meeting maximum day demand plus fire flow requirements, or peak hour demand– whichever is larger; and (2) meeting demands without the availability of the largest single water supply source. It is also accepted practice to increase the source incrementally to meet projected demand. A safety factor is maintained by only allowing development to reach a point which consumes 80% of the peak day demand available, before increasing the source. When the NGWC reaches 80% of capacity (1,360 connections based on a 328 gpm pumping capacity), a new source should be developed.

Table 2.5 presents information about current water consumption in the NGWC service area and projected future water demands within the Gualala Town Plan area and within the entire NGWC service area. The water demand projections presented in Table 2.5 exceed the supply projections by 543 connections.

If assessments of the current water supply, combined with future water development projects that may be successfully completed, do not demonstrate a sufficient amount of available water, then several possible actions may be necessary to achieve a balance between water supply and demands, including:

- Developing new water supply sources,
- Developing increased storage capacity for water supply during low flow periods,
- Increasing water conservation efforts,
- Restricting the amount of new development.

The North Gualala Water Company is urged to proceed with the institution of a water conservation plan. Additionally, voluntary water conservation measures are encouraged for all water users within the planning area.

The topic of water resources is considered in both the County's General Plan and Coastal Element. Numerous goals and policies are included within these documents with the intention of emphasizing the importance of the protection of the County's water resources. Coastal Element Policies 3.8-8 and 3.8-9 pertain to public water supplies, as well as "proof of water" requirements associated with development proposals. The General Plan Water Resources Chapter contains findings, goals, and policies that address water conservation, in-stream water flows, reduction of water pollution, protection of fisheries and wildlife, and prioritization of water users.

NOTE: This paragraph has been moved here from the Development Constraints/Thresholds subsection of Section 2.5, Public Services and Road Capacity.

TABLE 2.5 WATER CONSUMPTION & PROJECTED WATER DEMANDS FOR GUALALA TOWN PLAN AREA		
1995 connections in North Gualala Water Co. (NGWC) service area ¹ (a)	917	
DHS-estimate of maximum number of connections which could be served by NGWC system ² (b)	1,700	
	Gualala Town Plan	Coastal Element (March '91)
Estimated future residential connections within Gualala Town Plan area (75/50% buildout scenario) (c)	759	331
Estimated future commercial connections within Gualala Town Plan area ³ (d)	277	887
Total projected new connections within Gualala Town Plan area (c + d) = (e)	1,036	1,218
Estimated future connections within NGWC service area outside of Gualala Town Plan area ⁴ (f)	290	290
Total projected future connections in NGWC service area (e + f) = (g)	1,326	1,508
Deficit in connections at buildout of Gualala Town Plan, based on DHS-estimated NGWC source capacity (b - a - g)	-543	-725

¹ Rau & Associates, analysis of Water Supply Requirements for North Gualala Water Company, February 22, 1996.

² The "Engineering Report for NGWC," Sept. 1993, Office of Drinking Water, State Department of Health Services, estimates the production capacity of the NGWC system and estimates the number of connections which could be served based on historic water demand figures. Assuming low flow production of 250 gpm from Well #4, 28 gpm from Robinson Gulch, 50 gpm from Big Gulch, the maximum output would be 0.47 million gallons per day. Assuming a maximum daily demand of 277/gal/connection, approximately 1,697 connections could be served.

³ Assuming 1,015,383 sf of commercial development at buildout under the Gualala Town Plan and 185,000 sf of existing commercial development, and given an average of one connection per 3,000 sf, approximately 277 additional connections are necessary to serve future commercial development. As shown in Table 2.2, the Coastal Element (March '91) would allow an estimated 2,846,210 sf of commercial development, therefore (2,846,210 sf -185,000 sf/3,000 sf/connection) 887 additional connections would be necessary.

⁴ Estimate of future demands for service within NGWC service area but outside of the Gualala Town Plan Area was provided by Rau & Associates in analysis of Water Supply Requirements for North Gualala Water Company dated February 22, 1996 and is based on a 3 percent annual growth rate.

Sewer Service/Septic Availability

The Gualala Community Services District (GCSD) wastewater treatment system was completed in 1993. The GCSD area encompasses approximately 1,430 acres, 550± acres of which are included

within the initial Sewer Assessment District boundary. The Gualala Town Plan area includes most of the GCSD area.

Construction of the community wastewater treatment system removed one of the primary constraints to commercial development in Gualala. The initial design capacity of the system of 625 Equivalent Single-Family Dwellings (ESDs) assumed a two percent annual residential growth rate and a three percent annual commercial growth rate for a 20-year planning horizon. As of ~~September 1994~~ *October 1997*, approximately ~~400~~ *460* ESDs were allocated, and the unused capacity represented approximately ~~225~~ *165 remaining* ESDs.

New development within the GCSD assessment/service area cannot proceed unless connection to the wastewater treatment system has been authorized by the GCSD. The remaining ESDs may not be sufficient to accommodate the demands for sewer connections for the 30-year planning horizon of the Gualala Town Plan. As shown on Table 2.3, buildout of residential uses under the Coastal Element, March '91 (assuming the 75/50% scenario) would demand an additional 331 ESDs. Under the Gualala Town Plan (75/50% scenario), buildout of residential uses would require 759 ESDs. Under both of these scenarios (neither of which account for increased demands from commercial uses), the remaining capacity of the GCSD treatment plant would be exceeded.

When 500 ESDs are in use, the GCSD is required to initiate plans for wastewater treatment plant expansion. The treatment plant design was selected, in part, to make future increases in treatment capacity possible. A Local Coastal Plan amendment and further environmental review will be necessary prior to approval of any expansion of the GCSD facilities.

Minimum parcel sizes in the coastal zone have been assigned with consideration of septic requirements and development on parcels outside of the GCSD assessment/service area requires approval of a septic system by the Mendocino County Department of Environmental Health.

Development Constraints/Thresholds

Development constraint thresholds are included in the Town Plan for the purpose of linking existing and potential development with infrastructure capacity. As the planning time horizon of this Plan is approximately 30 years, the timing of mitigation is an integral component of the comprehensive planning process. For example, it is anticipated that, given a projected growth rate of 3.7 percent in the Town Plan planning area, 80 percent of the remaining water connections available from the North Gualala Water Company would be utilized by the year 2007. If assessments of the current water supply, combined with future water development projects that may be successfully completed, do not demonstrate a sufficient amount of available water, then additional actions would be necessary to achieve a balance between water supply and demand. Actions could include, but are not limited to, development of new water sources, development of increased storage capacity for water supply during low flow periods, increased water conservation efforts, and restriction of the amount of new development which increases water usage. Similar

analysis and contingency plans are included within the Town Plan relative to the topics of sewage disposal and traffic.

Based upon a projected annual population growth rate within the GTP area of 3.7%, ~~it is anticipated that~~ development thresholds (80% of point at which development would exceed infrastructure capacity) associated with water supply, sewer capacity, and traffic are estimated as follows:

~~No~~ New development shall be permitted *only* if the infrastructure and resources to support it are ~~not~~ available, or made available as part of the developer's project plan.

~~The topic of water resources is considered in both the County's General Plan and Coastal Element. Numerous goals and policies are included within these documents with the intention of emphasizing the importance of the protection of the County's water resources. Coastal Element Policies 3.8-8 and 3.8-9 pertain to public water supplies, as well as "proof of water" requirements associated with development proposals. The General Plan Water Resources Chapter contains findings, goals, and policies which address water conservation, in-stream water flows, reduction of water pollution, protection of fisheries and wildlife, and prioritization of water users.~~

NOTE: This paragraph has been moved to Section 2.5, Public Services and Road Capacity, Water Supply.

Goal G2.5-2 To ensure that public services and utilities can be provided for new development and that traffic generated by new development will not result in unacceptable levels of service on Highway 1.

Goal G2.5-3 To ensure that water extractions comply with provisions of the Water Resources Chapter of the County General Plan.

SUGGESTED MODIFICATION NO. 4: Section 2.8 of the Gualala Town Plan shall be modified as follows:

2.8 SCHOOLS

The substantial additional residential development proposed within the Town Plan area could result in a significant increase in the population of school-age children. The existing elementary school and high school serving the Gualala area are in Point Arena. School officials indicate that as of 1997 the elementary school is approaching maximum capacity. The Gualala area already has the largest population of school-aged children attending these schools. ~~Virtually all~~ *Most* children take the bus to and from school - a significant expense to the school district. Construction of a local school could enable many children to walk to school. The school district presently owns a 10 acre

site adjoining, but outside of, the Town Plan area. It is possible that another site within the Town Plan area may be acquired at a future date.

Goal G2.8-1 To provide for development of needed educational facilities for the anticipated growth in the student population.

SUGGESTED MODIFICATION NO. 5: Section 3.1 of the Gualala Town Plan shall be modified as follows:

3.1 DEVELOPMENT LOCATION

- G3.1-1 The urban-rural boundary for the town of Gualala shall be coincident with the ~~Gualala Town Plan area boundary as indicated on Figure 1.1~~ *boundary lines delineated on Land Use Map 31.*
- G3.1-2 New development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community water and sewer systems and will minimize additional traffic impacts on Highway 1.
- G3.1-3 New development shall be located in areas where it will not conflict with the goal of preserving and protecting land used for timber and crop production outside of the Residential Reserve area, and environmental resources, including wetlands, steep gulches, stream corridors and coastal views.
- G3.1-4 New development shall be located in areas where it will not adversely affect the character of existing residential neighborhoods.

SUGGESTED MODIFICATION NO. 6: Section 3.2 of the Gualala Town Plan shall be modified as follows:

3.2 RESIDENTIAL DEVELOPMENT

- G3.2-1 Residential uses are encouraged and shall be a principal use in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts to reduce the need for automobile travel by providing a population base in town and to provide opportunities for higher density housing types.
- G3.2-2 An inclusionary zoning ordinance should be adopted by the Board of Supervisors which requires development of affordable housing units, or in-lieu contributions for development of affordable housing units, for major residential development projects and major subdivisions in the Town Plan area. These affordable housing units shall be developed within the Gualala Town Plan area.

An inclusionary zoning ordinance should be adopted by the Board of Supervisors which requires development of affordable housing units, or in-lieu contributions for development of affordable housing units, for major residential development projects and major subdivisions in the Town Plan area. These affordable housing units shall be developed within the Gualala Town Plan area.

- G3.2-3 *Notwithstanding other provisions of the LCP that limit the number of residences to one per parcel, second Residential Units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, in accordance with standards established in the Coastal Zoning Code (Division II). Second Residential Units shall not be allowed on parcels located west of Highway 1 to protect against the possible conversion of such units to vacation home rentals which may adversely affect the character of existing residential neighborhoods.*
- G3.2-4 A 480± acre area immediately east of the Gualala commercial district is designated "Residential Reserve" and is identified as a suitable area for future residential expansion if and when the need for additional residential units, and the ability to provide services to support them, are demonstrated (Figure 3.1). The land is currently classified RMR, FL and RR. Land Use Plan amendments and rezoning would be necessary to enable development at higher densities. Guidelines for the Residential Reserve are included in Appendix A.
- G3.2-5 The Gualala Town Plan emphasizes the pedestrian aspect of the community. A future school site should be constructed in a location that will permit a maximum number of students to walk to school. The School District should install appropriate pedestrian facilities adjacent to the school. The County and the School District shall cooperate in the development of a pathway network to enable children to safely walk to and from school. The County and the School District should develop an arrangement permitting use of the school grounds by the public during non-school hours.
- G3.2-6. *Should the ~~population~~ residential growth rate for the Gualala Town Plan planning area exceed 20 percent of the total growth anticipated by the plan in any 5-year increment of the plan's existence, a review/update of the plan should be initiated.*

NOTE: What is now Policy G3.2-6 was moved here from Section 1.4.

SUGGESTED MODIFICATION NO. 7: Section 3.3 of the Gualala Town Plan shall be modified as follows:

3.3 MIXED USE AND PLANNED DEVELOPMENT

Gualala Village Mixed Use District

- G3.3-1 New development in the Gualala Village Mixed Use district shall be designed to create a compact, integrated and walkable shopping district. To achieve this, development of commercial uses with pedestrian amenities shall be encouraged on infill sites within the Gualala Village Mixed Use district (Figure 3.2).
- G3.3-2 New development within the Gualala Village Mixed Use district shall be sited and designed to protect and enhance coastal views.
- G3.3-3 The siting and design of new development on the west side of Highway 1 in the Gualala Village Mixed Use district shall ~~allow for the Gualala Bluff Trail easement~~ *not preclude completion of the Gualala Bluff Trail along the entire bluff as generally shown on the LCP Coastal Access Figure in Chapter 2 of the Gualala Town Plan.*

Gualala Highway Mixed Use District

- G3.3-4 Restrictions on commercial development on parcels in the Gualala Highway Mixed Use district (Figure 3.2) are intended to limit traffic generation and to *ensure that new development is* ~~be~~ designed and landscaped to minimize the aesthetic impacts of strip development.

Gualala Planned Development District

- G3.3-5 Comprehensive planning shall be required on properties with a Gualala Planned Development designation. A two-stage planning process requiring a general development plan and a Precise Development Plan shall be established to provide general and specific criteria regulating future development within the Gualala Planned Development districts (Figure 3.2). The Planned Development process allows for community review and participation, while streamlining the County's permit-processing requirements.
- G3.3-6 The area along Church Street, east of Highway 1, is designated Gualala Planned Development and shall be reserved for expansion of commercial and residential uses in Gualala. This area provides an opportunity for development of a concentration of commercial and residential uses and an alternate street network which should decrease Highway 1 congestion and encourage more pedestrian activity in town.

- G3.3-7 The Lower Mill site, located east of Highway 1 and south of Old State Highway, is designated Gualala Planned Development, and shall be reserved for a mixture of residential and commercial uses, including the development of a concentration of visitor-serving facilities. The relatively flat topography of the Lower Mill site establishes it as one of the few sites in town which would permit development of relatively high-density residential uses.

SUGGESTED MODIFICATION NO. 8: Section 3.4 of the Gualala Town Plan shall be modified as follows:

3.4 DESIGN GUIDELINES FOR MIXED USE AND PLANNED DEVELOPMENT DISTRICTS

The purpose of these Design Guidelines is to assist property owners, developers and designers in creating projects within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts that are consistent with the vision for the community of Gualala established by the goals and policies of the Gualala Town Plan. These guidelines are further intended for use by the Gualala Municipal Advisory Council, County planning staff, Coastal Permit Administrator, Planning Commission, and Board of Supervisors as criteria for evaluating the merits of new projects on a consistent basis. The guidelines are intended to result in functional and attractive site and building designs. The guidelines are organized under the following subheadings:

Site Planning, Architectural Form, Vehicle Access & Parking, Pedestrian Access, On-Site Landscaping, Street Landscaping, Exterior Lighting, Signage,

Site Planning

- G3.4-1 Natural features, such as hillsides, gulches and mature vegetation, shall be considered important design determinants in siting development. New development ~~should~~ *shall* minimize site disturbance.
- G3.4-2 The siting and design of buildings shall ~~consider~~ *protect* river, ocean and hillside views.
- G3.4-3 The protection and restoration of public coastal views is paramount. Buildings shall provide for maximum preservation of coastal views from Highway 1 (for example, by orienting buildings on an axis perpendicular to the highway). Buildings should *be* sited and designed to maintain access to ocean views from neighboring buildings and parcels.
- G3.4-4 Development within the Gualala Village Mixed Use Zoning District between Highway 1 and the Gualala River shall be sited to provide view corridor(s) to the coast for pedestrians and motorists on Highway 1. At a minimum, one unobstructed view

corridor shall be provided across each parcel. View corridor(s) should be placed at the property boundary(s) and adjoin other protected view corridors.

- G3.4-5 Where two-story structures are proposed on the west side of Highway 1, buildings should be stepped to provide a visual transition to view corridors.
- G3.4-6 Siting, design and landscaping elements shall be selected to enhance the pedestrian environment. Site and landscape designs shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, landscaped berms, and creative and inviting, semi-protected outdoor spaces). These should be visible from street corridors and pedestrian access routes. These requirements are applicable to commercial, industrial and multifamily residential projects.
- G3.4-7 Where nonresidential uses are adjacent to residential uses, special attention shall be given to the design of effective buffering, including appropriate setbacks, landscaping, berms, and fences to prevent noise, lighting and privacy intrusion.
- G3.4-8 Subject to the constraints in the other Site Planning guidelines herein, structures should be oriented to take maximum advantage of site solar access.

Architectural Form

- G3.4-9 New development shall consider relationships between buildings, open space and building setbacks. The scale and massing of new development shall be appropriate to the context of the community. In new development, clusters of small buildings shall be encouraged as an alternative to large buildings.
- G3.4-10 Building materials shall be selected to harmonize with the natural setting of Gualala.
- G3.4-11 Roofing materials shall be of non-reflective materials. Roof penetrations for vents and ducts shall be grouped and painted to match the roofing materials or architecturally screened from view. All rooftop mechanical equipment shall be screened from view.
- G3.4-12 Service and loading areas shall incorporate appropriate techniques for visual and noise buffering from adjacent uses. Areas which generate objectionable noise and odors shall be located where they will not disturb occupants within, or adjacent to, the development.

Vehicle Access & Parking

- G3.4-13 Street access points should be consolidated to minimize multiple curb cuts. Shared access between adjoining properties minimizes disruption of traffic flow, reduces

potential points of conflict between through and turning traffic, and facilitates the control and separation of vehicles and pedestrian movement.

- G3.4-14 Entrances and exits shall be located at a safe distance from street intersections and shall not create dangerous situations for pedestrians and motorists.
- G3.4-15 Parking shall be permitted within established view corridors, provided that required parking lot landscaping and lighting shall not diminish the coastal views. Parking lot design and orientation of parking aisles should provide for unobstructed view corridors.
- G3.4-16 Off-street parking shall be screened, either by locating it behind buildings or by providing landscaping which separates the parking from the street frontage. A minimum of ten percent of the area within or around parking areas shall be landscaped.
- G3.4-17 Long, straight uninterrupted rows of parking shall be avoided. Parking areas should incorporate internally looped circulation systems, so that drivers will not be dependent on public streets when making multiple passes through a parking area.
- G3.4-18 All parking area lighting shall be positioned to minimize glare and illumination beyond the development. The amount of lighting provided after business hours shall be restricted to the minimum needed for safety and security purposes.
- G3.4-19 Bicycle racks shall be provided as appropriate for the nature and intensity of use.

Pedestrian Access

- G3.4-20 All new development in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts shall be required to provide pedestrian walkways along the street frontages in accordance with the guidelines established in the “Circulation, Parking and Pedestrian Access” chapter of the Gualala Town Plan.
- G3.4-21 To encourage pedestrian usage, safe and convenient pedestrian access shall be provided from building entries to parking areas and the street. An attractive environment for pedestrian use should be provided. This should incorporate street furniture, creative outdoor spaces, landscaping, etc.

On-site Landscaping

- G3.4-22 Landscaping provides many site-specific and community benefits including visual screening, definition of spaces, highlighting architectural features and entryways, shading and wind protection, buffering between properties and wildlife habitats. Developments shall provide for as much landscaped area as feasible. Landscaping

should be provided around the perimeter of buildings, in parking lots, along street frontages, and as buffers between neighboring uses.

- G3.4-23 A landscape plan for on-site and street landscaping shall be required for development proposals in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts. Each landscape plan shall identify areas where existing vegetation will be retained and areas proposed for landscaping. For landscaped areas, the types and sizes of proposed trees, shrubs, groundcover and other plantings shall be identified. The landscape plan shall include an on-going maintenance program. These requirements are applicable to commercial, industrial and multifamily residential projects.
- G3.4-24 Mature trees are an essential element of the Gualala landscape and can take years to reestablish once removed from a site. Existing groves of trees should be retained and integrated with site development plans, with consideration given to public safety. Trees to be saved shall be noted on site plans and appropriate measures shall be identified to protect the trees during construction activities.
- G3.4-25 Landscape design should incorporate natural looking clusters of compatible plants. Landscape plant selection should have the goal of achieving year-round beauty with consideration given to form, color, texture, and ultimate plant size. Plant species that are native to the Gualala area and well adapted non-native plants requiring minimum maintenance and little or no irrigation are encouraged. A list of plants, trees, shrubs and groundcovers meeting these criteria, as well as a list of invasive species inappropriate for local landscape plans, are included in Appendix B.

Street Landscaping

- G3.4-26 Landscaping along Highway 1 and local roadways shall provide an aesthetic complement to the pedestrian walkways and partial screening of parking areas and/or buildings.
- G3.4-27 Rather than developing a linear tree planting program, cluster landscapes, which form dense "landscape pockets" with tall, canopy trees, smaller understory trees and ground level shrubs and herbaceous plants, are recommended. Cluster landscapes have the following benefits:
- they can be integrated with existing landscaping and native vegetation;
 - they can help maintain a more "natural" appearance in the town;
 - they can be located in areas where public coastal views will not be blocked;
 - the variety of species in cluster landscapes can help create a microclimate conducive to each plant's survival.

- G3.4-28 Existing groves of trees should be retained and integrated with street landscaping plans, with consideration given to public safety.
- G3.4-29 Landscaping along roadways shall be selected and sited to avoid blocking sight lines at intersections and curb cuts. Along utility rights-of-way, plantings shall not disrupt service or access to overhead or underground equipment.
- G3.4-30 Highway 1 medians and embankments should be landscaped with ground level shrubs and herbaceous plants. Plant materials with seasonal foliage and flower changes are encouraged. Plant materials shall be selected, in part, based on low maintenance and irrigation requirements. Landscaping within the Highway 1 right-of-way requires an encroachment permit from Caltrans.

Exterior Lighting

- G3.4-31 An exterior lighting plan shall be required for development proposals in the Gualala Highway Mixed Use, Gualala Village Mixed Use and Gualala Planned Development Districts. The lighting plan shall indicate the location of proposed exterior lighting fixtures and provide either architectural drawings or manufacturer's specifications for all proposed exterior lighting fixtures.
- G3.4-32 Lighting shall be designed to minimize the effects of cumulative night-time illumination on the night sky. Lighting of building facades, pathways and parking areas shall be restricted to that which is necessary for public safety and security.
- G3.4-33 All exterior lighting shall be downcast and shielded to prevent, where feasible, the light source from being directly visible from off-site areas.
- G3.4-34 Lighting standards shall not exceed 20 feet in height.
- G3.4-35 Lighting fixtures shall be non-glare and use non-reflective materials where feasible.

Signage

- G3.4-36 A signage plan shall be required for development proposals in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts.
- G3.4-37 Signs shall be compatible with the building's style in terms of location, scale, color and lettering. All signs shall, where feasible, be made of wood.

- G3.4-38 Internally illuminated signs and advertising (including neon, LEDs, etc.) shall not be permitted where visible from public walkways and streets.
- G3.4-39 Freestanding signs relating to an assemblage of businesses (e.g., retail/office plazas) shall be grouped and visually coordinated to reduce confusion.
- G3.4-40 All signage shall comply with the requirements established in the "Sign Regulations" chapter of the Mendocino County Coastal Zoning Code.

DESIGN REVIEW

- G3.4-41 New development shall conform with the above design guidelines, Policies G3.4-1 through G3.4-40. In addition, within the Gualala Planned Development districts, new development shall conform with the criteria established in Chapter 4 of this plan, which provides for the protection of sensitive coastal resources within the GPD district, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River. New development requiring a coastal development permit within the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts shall be reviewed by the Gualala Municipal Advisory Council or some similar advisory council prior to filing a coastal development permit application as complete. The advisory council shall forward its findings and recommendations to the permit issuing authority prior to action by that permit issuing authority.*

SUGGESTED MODIFICATION NO. 9: Section 3.6 of the Gualala Town Plan shall be modified as follows:

3.6 CIRCULATION, PARKING AND PEDESTRIAN ACCESS

Circulation

- G3.6-1 Public and private improvements to the Highway 1 corridor shall be required to help make Highway 1 a scenic element of the Gualala townscape, to decrease traffic congestion and reduce potential safety hazards, and to encourage more pedestrian activity in the town of Gualala. Figure 3.3 provides a map illustrating the streetscape concept for Highway 1 in the Gualala Village Mixed Use and Gualala Highway Mixed Use districts. The "Design Guidelines for Mixed Use and Planned Development" chapter provides guidelines for the development of road improvements.

- G3.6-2 To help mark the southern entry or gateway into Gualala, a planted median shall be provided in the taper south of Old State Highway. The gateway on the north end of town shall be comprised of ornamental landscaping on the Highway 1 embankments between the Old Milano Hotel and Pacific Woods Road.
- G3.6-3 Caltrans' corridor preservation setback in the Gualala Village Mixed Use and Gualala Highway Mixed Use districts shall be a minimum 40 foot half-width, as measured from the centerline, unless otherwise approved by Caltrans. Consideration of a reduced half-width would be dependent upon a review of constraints associated with topography, drainages and existing development. Required building setbacks, parking areas, and landscaping shall be designed to accommodate the final Highway 1 right-of-way, as shown on the Highway 1 Streetscape Map (Figure 3.3). Street landscaping and pedestrian walkways shall be provided within the corridor preservation setback. Parking areas, buildings, and associated landscaping shall be located outside of the corridor preservation setback. No building setbacks from the Highway 1 corridor, other than those mandated by Caltrans' corridor preservation setbacks, are required. All development within the Highway 1 right-of-way requires an encroachment permit from Caltrans.
- G3.6-4 The Highway 1 streetscape cross-section in the Gualala Village Mixed Use and Gualala Highway Mixed Use Districts shall include the following elements within a minimum 80' right-of-way, as shown on Figure 3-4:
- 12' landscaping (minimum) on each side
 - 5' sidewalk (continuous on west side of Highway 1, extending from Old State Highway to Gualala Mobile Court on east side of Highway 1)
 - 5' bike lane/shoulder on each side
 - 12' travel lane in each direction
 - 12' continuous left-turn lane from Bakertown to Old State Highway, southbound left turn pocket at Pacific Woods Road)

Exceptions to the strict application of these standards may be granted by the County, with the prior approval of the Caltrans District Director, where existing development, site topography or physical constraints mandate a greater or lesser right-of-way width.

- G3.6-5 To discourage development of commercial uses which generate high traffic volumes and would result in high peak hour turning movements, no "drive thru" commercial facilities shall be permitted in the Gualala Highway Mixed Use District.
- G3.6-6 Curb cuts along Highway 1 and local roads shall be minimized. Numerous curb cuts slow traffic flow and create conflicts between through traffic and turning vehicles. Site accessways shall be designed for safety and convenient turning. Shared driveway access

between neighboring parcels shall be encouraged and driveway access to Highway 1 shall be limited to one driveway per parcel except in instances where more than one access point is necessary for safe ingress and egress and/or efficient on-site circulation.

- G3.6-7 School bus and public transit stops shall be provided in appropriate locations along Highway 1. Bus stops shall be provided within the corridor preservation setback, in lieu of a portion of the required landscaping. The school districts shall be encouraged to identify preferred sites for school bus stops within the Gualala Town Plan area.
- G3.6-8 A local road network shall be developed in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts east of Highway 1 to provide alternatives to travel on Highway 1. A network comprised of the elements shown in Fig. 3.5 has been demonstrated to effectively mitigate traffic resulting from anticipated development permitted by this Plan; however, other road network configurations demonstrated to be equally or more effective in mitigating the traffic impacts of new development may be proposed by developers and adopted in lieu of road extensions listed below:
- Church Street extension (south)—connects to Center Street.
 - Center Street extension—connects to Church Street and Moonrise extension.
 - Moonrise extension—connects Ocean Drive, Moonrise, and Center Street to Old Stage Road on the ridge.
 - China Gulch Bridge—connects Center Street to Old State Highway.

Specific alignment and design of road extensions shall be selected to minimize their environmental impacts.

- G3.6-9 A streetscape concept for local roads is shown on Figure 3.6. Where appropriate, local roads in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts shall include the following elements within a minimum 60-foot right-of-way:
- 12' travel lane in each direction,
 - 8' parking lanes on each side
 - 10' strip on each side containing landscaping and 5-foot wide pedestrian walkway

On some local streets, parking lanes may not be appropriate due to topographic and environmental constraints and/or the presence of structures within the required right-of-way. A 40-foot right-of-way may be acceptable on Center Street, the Moonrise

extension, and the Church Street extension (north of Ocean Drive, connecting to Pacific Woods Road). Where feasible, the following elements shall be included within the 40-foot right-of-way of local roads:

- 12' travel lane in each direction
- 8' strip on each side containing landscaping and a 5-foot wide pedestrian walkway

An alternative way of creating narrower streets is to restrict traffic to one direction. As the road network is expanded in the future, consideration shall be given to the possibility of incorporating one-way streets into the local road network.

- G3.6-10 Prior to the implementation of any physical roadway improvements, Caltrans and the County shall consider implementation of possible trip-reducing measures. The development of pedestrian walkways and bike paths in the Gualala commercial district, provision of mixed-use development, and provision of local public transit have been identified as the most effective techniques for reducing the number of vehicle trips.
- G3.6-11 *Level of Service E shall be maintained on all Highway 1 road segments and intersections in the commercial district. New development shall not be approved if LOS E will not be maintained on all Highway 1 road segments and intersections in the commercial district. The five-year review of the GTP should include a review and analysis of current highway levels of service and new projections of levels of service to determine if there will be any deterioration below Level D for any Highway 1 road segments or intersections within the commercial district of the Town Plan area. If LOS D is not being maintained, steps should be initiated to ensure that levels of service are improved in the affected areas. The five-year review of the GTP should also consider the development of a cost-sharing plan for traffic mitigation measures. Traffic mitigation measures and traffic control measures, including traffic signals, should be considered as methods of improving level of service at the intersections of State Route 1 and Sundstrom Mall, Ocean Drive, and Pacific Woods Road consistent with the findings of the Gualala Traffic Study - February, 1995.*

Parking

- ~~G3.6-11~~ G3.6-12 No on-street parking shall be permitted on Highway 1. *County staff shall coordinate with Caltrans to develop appropriate signage.*
- ~~G3.6-12~~ G3.6-13 Off-street parking shall be provided in accordance with the standards established in the "Off-Street Parking" chapter of the Coastal Zoning Code. The "Design Guidelines" chapter of the Gualala Town Plan provides additional policies for vehicle access and parking design.

Pedestrian Access

~~G3.6-13~~ *G3.6-14* A continuous pedestrian walkway shall be provided on the east side of Highway 1, from Old State Highway to the Gualala Mobile Court and on the west side of Highway 1 from Old State Highway to Robinson Reef Road. Additional pedestrian walkways may be necessary to serve future development on the east side of Highway 1 between Gualala Mobile Court and Pacific Woods Road.

Pedestrian walkways may be located anywhere within the designated landscaping/sidewalk area, but shall connect with existing walkways on adjoining parcels or provide for a reasonable connection to future pathways on adjoining parcels. Policies in the "Design Guidelines" chapter of the Gualala Town Plan provide guidance for the development of pedestrian walkways.

~~G3.6-14~~ *G3.6-15* Pedestrian walkways and landscaping shall be provided along local roads within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned development districts as illustrated on the Local Roads Streetscape Cross-section (Figure 3.6). Where feasible, walkways and landscaping shall be located in the public road right-of-way. An encroachment permit from the Mendocino County Department of Public Works is required for all improvements within County road rights-of-way.

All pedestrian walkways shall be a minimum of five (5) feet in width and shall be constructed of concrete. Exceptions to the strict application of these standards may be granted by the approving authority if it is found that strict adherence is not feasible or would have significant adverse impacts on natural resources, aesthetics, or other environmental factors.

~~G3.6-15~~ *G3.6-16* Landscaping shall be provided along all pedestrian walkways to create attractive and usable pedestrian corridors. Landscaping shall be established and maintained in accordance with the "Design Guidelines" of the Gualala Town Plan.

~~G3.6-16~~ *G3.6-17* Pedestrian crosswalks shall be provided at the following locations on Highway 1:

Sundstrom Center entry	Ocean Drive
Seacliff	Center Street

~~G3.6-17~~ G3.6-18 Pedestrian crosswalks shall be constructed of flush pavers. Pavers used at crosswalk areas must: (a) be flush with the adjacent paving; (b) be skid-resistant; (c) be contained within a cast concrete perimeter to prevent loosening; and (d) have small, tight joints to accommodate wheelchairs and strollers.

~~G3.6-18~~ G3.6-19 All crosswalks and pedestrian walkways shall be accessible to disabled persons and meet the requirements of the Americans with Disabilities Act.

SUGGESTED MODIFICATION NO. 10: Section 3.7 of the Gualala Town Plan shall be modified as follows:

3.7 RECREATION AND VISITOR-SERVING FACILITIES, COASTAL ACCESS & TRAILS

Recreation Facilities

G3.7-1 *Within two years of plan certification, the County should initiate preparation of a feasibility study* ~~The Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area.~~

Coastal Access and Trails

G3.7-2 The Gualala Bluff Trail shall be developed within the 25-foot wide public access easements located along the bluff edge west of Highway 1. Offers to dedicate easements for public access shall be obtained to provide for the completion of the Gualala Bluff Trail consistent with Coastal Element policies and in consultation with the Redwood Coast Land Conservancy or other managing agency for the Gualala Bluff Trail.

G3.7-3 The parcel located on the north bank of the Gualala River, immediately north of the Gualala River Bridge and west of Highway 1, should be acquired for protection of natural resources and public access purposes by the County, State Parks, Caltrans, a non-profit land trust, or some other public agency or private association, or managed for protection of natural resources and public access purposes by its owners. Potential development on the site includes development of the Gualala Bluff Trail; fish and wildlife habitat management; limited parking for public fishing; and access for launching small craft such as canoes, kayaks, rowboats or small boats utilizing trolling-type motors.

If and when such acquisition occurs, the parcel shall be classified as Open Space in the Land Use Plan. Prior to development of any public access facilities on the site, a management plan shall be prepared, in accordance with Coastal Element public access policies, to ensure the long-term protection of natural resources and maintenance of the property. Development of the Gualala Bluff Trail on this parcel may involve use of the Highway 1 right-of-way or acquisition of an easement along the bluff of the Lower Mill site east of Highway 1 to ensure the protection of environmentally sensitive habitat areas along the Gualala River estuary.

- G3.7-4 A pedestrian and bicycle trail which links Gualala and Anchor Bay and connects to coastal access trails shown on the Land Use Plan maps shall be developed within Highway 1 and Old Coast Highway (CR #513) rights-of-way and easements acquired for public access.
- G3.7-5 A pedestrian trail providing public access for fishing, hiking, and swimming shall be developed on the north side of the Gualala River from Highway 1 to the easternmost boundary of the Gualala Arts Center property. Offers to dedicate easements for lateral access shall be acquired consistent with Coastal Element access policies and Section 66478.1 et.seq. of the California Government Code. If feasible, this trail shall connect to the Gualala Bluff Trail.
- G3.7-6 Based on an inventory of existing and potential trail alignments, a network of trails shall be designated which connects commercial areas, neighborhoods, visitor accommodations, areas of scenic beauty, and recreational facilities. Priority for trail alignments shall be along public and private road rights-of-way and trails that are currently in use. Access easements shall be acquired from property owners on a voluntary basis (i.e., gifts, open space and conservation easements) as conditions associated with development (i.e., deed restrictions, offers to dedicate), or by direct property acquisition. Trails shall be developed and maintained by the County, State Parks, Caltrans, a non-profit land trust, or some other public agency or private association.
- G3.7-7 GMAC shall review, evaluate, and prioritize the Offers to Dedicate (OTDs) and Deed Restrictions which the Coastal Commission has obtained through the coastal permit process within the GTP planning area.

Visitor-Serving Facilities

- G3.7-8 *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

G3.7-9 The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

SUGGESTED MODIFICATION NO. 11: Section 3.8 of the Gualala Town Plan shall be modified as follows:

3.8 PROTECTION OF ENVIRONMENTAL RESOURCES

G3.8-1 The County shall encourage and support the protection of fisheries habitat through coordination with responsible State and/or Federal permitting agencies regulating water supplies to facilitate compliance with permits which are intended to ensure the viability of the North Fork of the Gualala River. The County shall encourage a joint effort with Sonoma County as well as State and Federal agencies to develop a comprehensive fishery restoration plan for the Gualala River.

G3.8-2 Any wood-burning appliance to be installed as a primary heat source in residential or commercial development shall be an EPA certified unit. The County shall encourage the use of low pollution heating devices instead of wood-burning heat sources.

~~G3.8-3 When the North Gualala Water Company reaches 80 percent of service capacity, as defined in the Development/Constraints Table found in Section 2.5 of this Plan (or any amendments in this capacity due to new facilities), action should be initiated on one or more of the following options:~~

- ~~• Development of new water supply source (NGWC).~~
- ~~• Development of increased storage capacity for water supply during low flow periods (NGWC).~~
- ~~• Increase water conservation efforts (water users).~~
- ~~• Restrict the amount of new development which increases water usage (County).~~

~~G3.8-4 A review and possible update of the Plan shall be initiated five years after adoption of said Plan.~~

G3.8-3 *New development shall be permitted only if the infrastructure and resources to support it are available, or are made available as part of the developer's project plan.*

G3.8-4 *New development shall:*
(1) Minimize risk to life and property in areas of high geologic, flood, or fire hazard;

- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

G3.8-5 *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

NOTE: The policies originally numbered as Policies G3.8-3 and G3.8-4 have been moved to other, more appropriate sections of the Plan.

SUGGESTED MODIFICATION NO. 12: A new section, Section 3.10, **WATER AND SEWER SERVICES**, shall be added to the Gualala Town Plan, and shall contain the following policies:

3.10 WATER AND SEWER SERVICES

G3.10-1 *When the North Gualala Water Company reaches 80 percent of service capacity, as defined in the Development/Constraints Table found in Section 2.5 of this Plan (or any amendments in this capacity due to new facilities), action should be initiated on one or more of the following options:*

- *Development of new water supply source (NGWC).*
- *Development of increased storage capacity for water supply during low flow periods (NGWC).*
- *Increase water conservation efforts (water users).*
- *Restrict the amount of new development, which increases water usage (County).*

NOTE: Policy G3.10-1 has been moved from Section 3.8, Protection of Environmental Resources, where it was included as Policy G3.8-3.

G3.10-2 *Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve any new development.*

- G3.10-3 Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve any new development.*
- G3.10-4 At such time as a utility company, such as the North Gualala Water Company, or the Gualala Community Services District, proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses. The percentage of the new capacity to be reserved for visitor-serving uses shall be commensurate with the percentage of existing visitor-serving uses as compared to non visitor-serving uses. This percentage should be calculated at the time the service expansion is proposed.*
- The capacity of any new infrastructure development shall not exceed the buildout potential of the Town Plan.*
- G3.10-5 A review and possible update of the Plan should be initiated five years after adoption of said Plan. The review should include an analysis of development constraints/thresholds for water connections and sewer capacity ESDs.*

SUGGESTED MODIFICATION NO. 13: Chapter 4 of the Gualala Town Plan shall be modified as follows:

GUALALA PLANNED DEVELOPMENT

Map Code: GPD

A series of community workshops were held in Gualala to develop a vision of the role of the two GPD properties in the context of community-wide development. Although these plans are not binding on GPD property owners, they provide an indication of the types of development which are likely to engender community support on these two important pieces of commercial property. The conceptual plans prepared at the workshops included the following elements:

GPD District on hillside east of Church Street:

This area was identified as the prime location for expansion of the commercial district in Gualala. Referred to as the Town Center in the conceptual plans, the location of this parcel provides an opportunity for creation of an alternate street network (as opposed to the highway strip) and development of a concentration of commercial uses which may encourage more pedestrian activity in town.

Generally, the portion of this property fronting Church Street was viewed as appropriate for local-serving commercial uses and public and civic facilities (such as churches, firehouse, medical center, post office and possibly a future town hall). A key element included in the conceptual plan developed at the workshops was a Village Green located to the northeast of the current Moonrise/Church Street intersection. Ideally, the Village Green will be acquired as a public open space/recreational facility. The upper hillslopes of this property were identified as potential residential areas, with the possible inclusion of senior housing facilities near the existing medical center.

The Town Plan includes a local road plan which establishes approximate locations for future road expansions and connections, and standards for local roads in the commercial district. Development on this parcel would require expansion of the local road network, including Ocean Drive, Moonrise, Center Street, and possibly a connector to Old Stage Road on the ridge.

GPD District on the Lower Mill site, east of Highway 1 and south of Old State Highway:

This property was identified as an appropriate location for a mixture of residential and commercial uses, including the development of a concentration of visitor-serving facilities. The flat topography of the Lower Mill site establishes it as one of the few sites in town which would permit development of relatively high density residential uses.

Consideration will be given to the effect of development on views from Highway 1 and Gualala Point Regional Park, protection of sensitive resources associated with the Gualala River, the need for pedestrian and vehicular connections to the core commercial district of Gualala, and recreational opportunities associated with the Gualala River.

Intent: To require comprehensive planning for development of the two large (40+ acre) commercial properties in the Town Plan area; to allow for substantial community review and comment on development proposals for GPD properties; to establish a flexible and streamlined permitting process for the phased development of multiple uses on these properties; to encourage imaginative development plans which provide for a mixture of residential, commercial, and community recreation/open space uses which is integrated with surrounding development; to ensure the provision of adequate infrastructure to serve future development on the GPD District parcels, and to coordinate the expanded circulation network necessary to serve such development.

Development Permitting Process: A two-stage planning process, requiring a Master Development Plan and a Precise Development Plan is established for the GPD Districts. The development plans will provide general and specific criteria regulating future development within the GPD Districts.

The Precise Development Plans for the GPD Districts can be considered a type of use permit which governs the establishment of multiple uses on these large sites. The processing of applications for

Master Development Plans and Precise Development Plans shall proceed in accordance with the procedures established for Coastal Development Use Permits. Conditions may be incorporated into the approved plans, similar to the conditions attached to a use permit. The Precise Development Plan process incorporates the Coastal Development Permit approval process. Any person holding an approved master or Precise Development Plan may apply for an amendment, including modification of the terms of the plan, and waiver or alteration of the conditions imposed on the plan.

The Master/Precise Development Plan process represents a streamlining of the County's permit-processing requirements, since once a Precise Development Plan has been approved, no further discretionary approvals are necessary. In other words, property owners/developers will not be required to obtain individual Coastal Development Permits, use permits, variances, etc. for each proposed portion or phase of the development.

Master Development Plan Requirements: The Master Development Plan shall provide a plan for development of GPD District properties and shall incorporate all contiguous land under one ownership within the GPD District. At a minimum, the Master Development Plan shall include the following elements:

- Location, types and densities of all proposed land uses, including maximum number of residential units, commercial square footage and visitor-serving units
- General alignments for roadways and utilities
- Provisions for public access, open space and recreation facilities
- Determination of availability of water supply, sewer capacity and road capacity to serve development
- Provisions for protection of environmental resources
- Development phasing plan
- Environmental documentation

Precise Development Plan Requirements: After, or concurrent with, approval of a Master Development Plan, a Precise Development Plan is required for the specific phase(s) of development under consideration. The Precise Development Plan shall provide more detailed specifications for phases of development for which permits are sought and shall be consistent with an approved Master Development Plan and Coastal Element policies. No permits shall be issued except in accordance with an approved Precise Development Plan. A Precise Development Plan shall expire and become null and void at the time specified in such permit, or if no time is specified, at the expiration of two years after granting except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Individual Coastal Development Permits shall not be required for development in accordance with an approved Precise Development Plan.

At a minimum, the Precise Development Plan shall include the following elements:

- Lot coverage standards for residential uses
- Lot coverage and floor-area standards for commercial uses
- Lot size requirements
- Minimum front, rear and side yard standards
- Design standards for new development
- Parking standards for new development
- Pedestrian access facilities
- Lighting, signage and landscaping standards
- Additional environmental documentation (if required)
- Coastal Element consistency determination

Principal Uses: All residential, civic and commercial use types other than those listed below as Prohibited Uses shall be considered principal uses in the GPD District upon approval of a Precise Development Plan. Conditions restricting permitted uses may be imposed in the Precise Development Plan. Once a Precise Development Plan has been approved, any change in use type or expansion of use shall require an amendment to the Precise Development Plan.

Prohibited Uses:

Civic use types: Alternative Energy Facilities-Offsite; Cemetery Services

Commercial use types: Animal Sales & Services: Auctioning, Horse Stables, Kennels, Veterinary (large animals); Automotive & Equipment: Storage, Non-operating vehicles

Requirements for Development: At a minimum, fifty percent (50%) of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be reserved for visitor-serving facilities. Visitor-serving facilities include, but are not limited to, bed and breakfast accommodations, hotels, motels, inns, and restaurants.*

Maximum Visitor Accommodations and Services Density: The maximum size and density of visitor accommodation facilities in the GPD Districts shall be established in the approved Master Development Plan. In no instance may the density of visitor accommodation facilities exceed 20 units per acre. The established densities shall be consistent with the scale and character of the town of Gualala and in conformance with the intent of the GPD District.

Maximum Building Height in GPD Districts: Structures shall be limited to twenty-eight (28) feet in height. Lesser heights may be required where it is found that building heights would have adverse impacts to community character, open space or public views. Height limits for various components of the planned development shall be prescribed in an approved Precise Development

Plan. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and other towers and architectural features not for human habitation, where such exceptions are consistent with the intent of the GPD District and a variance is obtained.

Minimum Usable Activity Space Requirements for Residential Uses: Usable activity space shall be provided for all residential uses in accordance with the approved Master Development Plan. At a minimum, ten (10%) percent of the total lot area shall consist of usable activity space in each residential development. Flexibility in the provision of on-site usable activity space shall be granted to encourage developers of the GPD parcels to provide community open space/recreational facilities.

***Protection of Sensitive Coastal Resources:** The Precise Development Plan must provide for protection of sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.*

SUGGESTED MODIFICATION No. 14: Chapter 5 of the Gualala Town Plan shall be modified as follows:

CHAPTER 5 - DEFINITIONS

For the purposes of implementing the Gualala Town Plan, the following definitions shall apply:

Access: The permission, ability and means *for the public* to enter and pass to and from property.

Access, Blufftop: A public accessway which runs along the bluff edge of a property.

Access, Coastal: Public rights-of-way to and along the sea.

Access, Lateral: Public accessway for public access and use along the shoreline.

Access, Vertical: Public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing, or to a lateral accessway.

Affordable housing units: Any housing unit or combination of units developed through action of a private, public or nonprofit party, or a combination thereof, which results in the production of housing unit(s) that are capable of being purchased or rented by household(s) with very low, lower

or moderate income (as defined by the State Department of Housing and Community Development) based on payment of not more than 30 percent of the gross monthly income, including rent or mortgage, taxes and insurance, when the unit's affordability is protected for an established amount of time.

Building: Any structure having a roof, which is constructed in a permanent position upon the ground and is designed and intended to be used for the shelter or enclosure of persons, animals or property. This definition does not include any type of recreational vehicle, boat, or tent.

Building Height: The vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall.

Conditional Use: A use which may be allowed on a conditional and discretionary basis, subject to securing a conditional use permit and also subject to applicable provisions of the Gualala Town Plan, and which is a development that is appealable to the Coastal Commission.

Coastal Development Permit: A permit which may be granted by the appropriate Mendocino County authority, *or the Coastal Commission on appeal*, for any development within the coastal zone which is not exempt or categorically excluded from the Coastal Development Permit requirement. Special conditions may be imposed in the permitting process to ensure compliance with the policies of the Coastal Element.

Density: The number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot area within the boundaries of the lot.

Development Fees: Fees levied on new development to cover the cost of infrastructure or facilities necessitated by that development. The purpose of the fee must relate directly to the need created by the development and its amount must be proportional to the cost of the service or improvement.

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Floor-Area Ratio: The ratio (usually expressed as a percentage) of the total floor area within all buildings and structures on a lot to the total area of the lot.

Frontage: That portion of a property line which abuts a legally accessible street right-of-way.

Inclusionary zoning: Zoning measures that mandate the construction of affordable housing or payment of in-lieu fees in accordance with a prescribed formula.

Land Use Plan: The relevant portion of a local government's general plan or local coastal element which provides policies indicating the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions.

Lot Coverage: Percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves.

Parking area: An open area, other than a street or alley, that contains one (1) or more parking space.

Principal Permitted Use (PPU): *The use type for each land use classification as designated by the Gualala Town Plan and implementing ordinances that is considered the primary use type for purposes of appeals to the Coastal Commission.*

Principal Use: The primary use types for each land use classification as designated by the Gualala Town Plan and implementing ordinances.

Residential use: A residential dwelling unit occupied by the owner(s) as his/her principal place of residence; or, occupied by long term tenant(s) as his/her principal place of residence.

Sensitive Coastal Resource Areas: *Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:*

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.*
- (b) Areas possessing significant recreational value.*
- (c) Highly scenic areas.*
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.*
- (e) Special communities or neighborhoods which are significant visitor destination areas.*
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.*
- (g) Areas where divisions of land could substantially impair or restrict coastal access.*

Second Residential Unit: Either a detached or attached dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated.

Setback: A required, specified distance between a building or structure and a lot line or lines, measured perpendicular to the lot line in a horizontal plane extending across the complete length of said lot line or lines.

Urban/rural boundary: Defines the areas to which the Coastal Act's rural land division policy would apply as defined by Section 30250(a) of the Coastal Act and the Coastal Element of the Mendocino County General Plan.

Usable Activity Space: Area within a development which is set aside for out-of-doors recreational use by the residents and their visitors.

Use Permit: A permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential diverse effects on surroundings, which are not permitted by right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

Variance: A departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the authorized adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

View corridors: A substantial and unobstructed view of the coastline or ocean from publicly accessible vantage point(s).

Vacation home rental: A single family residential dwelling unit intended for single family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for compensation or profit; not a Visitor Accommodation and Services facility, as defined in Division II of the Mendocino County Code.

B. SUGGESTED MODIFICATIONS TO CHANGES TO THE COASTAL ELEMENT:

SUGGESTED MODIFICATION NO. 15: Section 4.12-2 of the Coastal Element shall be modified as follows:

The urban-rural boundary of the community of Gualala is indicated by boundary lines delineated on Land Use Map 31.

~~The urban-rural boundary is coincident with the Gualala Town Plan area.~~ The Town Plan area includes all lands within the Gualala Community Services District (GCSD) and the small lot residential subdivisions adjoining the GCSD service area. The Town Plan area was selected to identify where new development could be served by community water and/or sewer systems and where such development would minimize traffic impacts on Highway 1. A primary goal of the Gualala Town Plan is to concentrate new development within the Town Plan area.

C. SUGGESTED MODIFICATIONS TO THE LAND USE MAP:

SUGGESTED MODIFICATION NO. 16: Change the proposed new location of the Urban-Rural boundary on the Land Use Map back to its original location.

D. SUGGESTED MODIFICATIONS TO THE ZONING CODE:

SUGGESTED MODIFICATION NO. 17: Section 20.405.010 shall be modified as follows:

Sec. 20.405.010 Principal Uses for GVMU District

The following use types are permitted in the GVMU District, subject to obtaining a Coastal Development Permit and necessary building permits and approvals:

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two Family
Family Residential: Multi Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care
Lodge, Fraternal and Civic Assembly
Religious Assembly

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Financial Services
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage, Distribution: Light

(D) Coastal Visitor Accommodations and Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 18: Chapter 20.406.010 shall be modified as follows:

Sec. 20.406.010 Principal Uses for GHMU District

The following use types are permitted in a GHMU District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two-Family
Family Residential: Multi-Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage and Distribution: Mini-warehouses
Wholesaling, Storage and Distribution: Light

(D) Coastal Visitor Accommodations & Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 19: Section 20.407.015 shall be modified as follows:

Sec. 20.407.015 Principal Uses in GPD Districts

All residential, civic and commercial use types other than those listed below as Prohibited Uses shall be considered principal uses in the GPD District upon approval of a Precise Development Plan. Conditions restricting principal uses may be imposed in the Precise Development Plan. Once a Precise Development Plan has been approved, any change in use type or expansion of use shall require an amendment to the Precise Development Plan.

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 20: Section 20.407.025 shall be modified as follows:

Sec. 20.407.025 Requirements for Residential and Visitor-Serving Uses in GPD Districts

At a minimum, fifty (50) percent of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be reserved for visitor-serving uses. Visitor-serving uses include, but are not limited to, bed and breakfast accommodations, inns, hotels, motels, and restaurants.*

SUGGESTED MODIFICATION NO. 21: A new section, Section 20.407.046, shall be added as follows:

Sec. 20.407.046 Protection of Sensitive Coastal Resources

Sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, shall be protected using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

SUGGESTED MODIFICATION NO. 22: Section 20.407A.010 shall be modified as follows:

Sec. 20.407A.010 Permitted Uses for GI Districts

The following use types are permitted in a GI District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Civic Use Types

Ambulance Services
Fire and Police Protection Services

(B) Coastal Commercial Use Types

Agricultural Sales and Services
Automotive and Equipment: Parking
Building Maintenance Services
Communications Services
Research Services
Wholesaling, Storage and Distribution: Mini-Warehouses
Wholesaling, Storage and Distribution: Light

(C) Coastal Industrial Use Types

Coastal-Related Industrial
Coastal-Dependent Industrial
Custom Manufacturing: Light Industrial

(D) Coastal Open Space Use Type

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is industrial use.

SUGGESTED MODIFICATION NO. 23: Section 20.458.020 shall be modified as follows:

Sec. 20.458.020 Gualala Town Plan Second Residential Units

Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.

- (A) **Permit requirement:** A standard Coastal Development Permit shall be required for all second residential units.
- (B) **Number of Second Residential Units:** *Notwithstanding other provisions of the LCP that limit the number of residences to one unit per parcel, a maximum of 100 second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require an LCP Amendment.*
- (C) **Permitted locations for Second Residential Units:**
 - (1) *Notwithstanding other provisions of the LCP that limit the number of residences to one unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of 100. Second residential units shall not be permitted on parcels located west of Highway 1.*
 - (2) Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.

- (3) Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.
- (4) Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.
- (D) **Specific Standards for Second Residential Units:**
 - (1) All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence, but may be rented for long-term occupancy.
 - (2) On parcels that are less than 1/2 acre in size, second residential units shall be attached to the primary residence or as a second-story to a detached garage.
 - (3) Detached second residential units shall be restricted to a maximum size of 960 square feet.
 - (4) Attached second residential units shall be restricted to a maximum size of 500 square feet.
 - (5) Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.
 - (6) Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.
 - (7) Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.

SUGGESTED MODIFICATION NO. 24: Section 20.544.015 shall be modified as follows:

Sec. 20.544.015 Coastal Permit Administrator and Planning Commission Appeal.

- (A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board

- within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.
- (C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.
- (D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable. (Ord. No.3785 (part), adopted 1991)
- (E) *The County's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:*
(a) an appeal is filed in accordance with Section 20.544.020;
(b) the notice of final County government action does not meet the requirements of Section 20.544.015.

SUGGESTED MODIFICATION NO. 25: Section 20.544.020 shall be modified as follows:

Sec. 20.544.020 Coastal Commission appeals.

- (A) An appeal of a decision to approve a coastal development permit may be filed with the Coastal Commission by an applicant or any aggrieved person who has exhausted local appeals, or any two (2) members of the Coastal Commission. The appeal must comply with the requirements specified by 14 Cal. Admin. Code Section 13111, and the appeal must be received by the Coastal Commission on or before the tenth (10th) working day after Coastal Commission receipt of the notice of final action on the coastal development permit.

- (B) An action taken on a coastal development permit may be appealed to the Coastal Commission for only the following types of developments:
- (1) Developments approved between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;
 - (2) Developments approved not included within Paragraph (1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;
 - (3) Any approved division of land;
 - (4) Any development approved that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act;
 - (5) Any development which constitutes a major public works project or major energy facility;
 - (6) *Developments approved not included within paragraphs (1) or (2) that are located in a sensitive coastal resource area.*
- ~~(C) The grounds for an appeal pursuant to Section 20.544.020(B)(1) shall be limited to one (1) or more of the following allegations:~~
- ~~(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses;~~
 - ~~(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast;~~
 - ~~(3) The development is not compatible with the established physical scale of the area;~~
 - ~~(4) The development may significantly alter existing natural landforms;~~
 - ~~(5) The development does not comply with shoreline erosion and geologic setback requirements.~~
- ~~(D)~~ (C)(1) The grounds for an appeal pursuant to Paragraph (2), (3), (4), ~~or~~ (5), or (6) of Subdivision (B) shall be limited to an allegation that the development does not conform to the Certified Local Coastal Program *and the public access policies set forth in the Coastal Act.*
- (2) *The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (B) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal Act.*
- ~~(E)~~ (D) An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his or her appeal to the local appellate body as required by

the County appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

- (1) The County required an appellant to appeal to more local appellate bodies for permits in the coastal zone than were required in the implementation sections of the Local Coastal Program;
 - (2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts who may appeal a local decision;
 - (3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this division;
 - (4) The County charges an appeal fee for the filing or processing of appeal.
- (F)(E) Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that notice of Commission appeals shall be transmitted to the local appellate body (which considers appeals from the approving authority that rendered the final decision) and the appeal to the Commission shall be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision. (Ord.No. 3785 (part), adopted 1991)

SUGGESTED MODIFICATION NO. 26: Section 20.500.020(E) shall be modified as follows:

Sec. 20.500.020 Geologic Hazards – Siting and Land Use Restrictions.

(E) Erosion.

- (1) Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. Environmental geologic and engineering review shall include site-specific information pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other significant adverse environmental effects.
- (2) The design and construction of allowed protective structures shall respect natural landforms, shall provide for lateral beach access and shall minimize visual impacts through all available means.
- (3) All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineer's report and Chapter 20.492 of this Division. (Ord.No. 3785 (part), adopted 1991)

- (4) *Within the Gualala Town Plan planning area, a special condition shall be attached to all coastal permits for blufftop development, requiring recordation of a deed restriction that states the following:*
- (a) *The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;*
 - (b) *The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;*
 - (c) *The landowner shall not construct any bluff or shoreline protective devices to protect the subject residence, guest cottage, garage, septic system, or other improvements in the event that these structures are subject to damage, or other natural hazards in the future;*
 - (d) *The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.*

SUGGESTED MODIFICATION NO. 27: Section 20.492.025 shall be modified as follows:

Sec.20.492.025 Runoff Standards.

- (A) Water flows in excess of natural flows resulting from project development shall be mitigated.
- (B) If the Coastal Permit Administrator determines that a project site is too small or engineering, aesthetic, and economic factors make combined drainage facilities more practical for construction by the County, the County may require a fee and dedication of land, which the County shall use to construct these facilities. The County may allow several developers to jointly construct facilities to approved County specifications.
- (C) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipators.

- (D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.
- (E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.
- (F) Adequate maintenance of common and public retention basins or ponds shall be assured through the use of performance bonds or other financial mechanisms.
- (G) Subsurface drainage devices shall be provided in areas having a high water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.
- (H) A combination of storage and controlled release of storm water runoff shall be required for all development and construction within wetlands.
- (I) The release rate of storm water from all developments within wetlands shall not exceed the rate of storm water runoff from the area in its natural or undeveloped state for all intensities and durations of rainfall. The carrying capacity of the channel directly downstream must be considered in determining the amount of the release. (Ord. No. 3785 (part), adopted 1991)
- (J) *Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require other best management practices to control polluted runoff, as appropriate.*

E. SUGGESTED MODIFICATIONS TO THE ZONING MAP

SUGGESTED MODIFICATION NO. 28: Change the proposed new location of the Urban-Rural boundary on the Zoning Map back to its original location.

PART TWO: INTRODUCTION

I. AREA DESCRIPTION/HISTORY:

Gualala is a small coastal community situated in the southwest corner of Mendocino County at the mouth of the Gualala River, providing services for the south coast of Mendocino County and for northern Sonoma County including The Sea Ranch. Gualala lies within the “banana belt” section of the Mendocino coast, which is distinguished by dense forests of small coniferous and broadleaf trees, extending to the cliffs at many points. Gualala is known as the southern “gateway to the Mendocino coast.”

Gualala was the West Coast’s primary lumber port during the early days of the lumber boom. A logging railroad that followed the bank of the North Fork of the Gualala River used the only wide-gauge track in the country. There are no visible remnants of the sawmills or other hints of the logging industry that formed the town’s economic base for so much of its history. Most buildings in town were constructed in the 1960s and 1970s and do not portray a distinctive architectural style. The North Fork of the Gualala River has been renowned for winter steelhead fly fishing ever since Jack London first came here in 1911.

Gualala is located within the unincorporated area of Mendocino County, and land use decisions are governed by the certified Mendocino County Local Coastal Program (LCP). The Gualala Town Plan Area includes the commercial district of Gualala and adjoining residential areas.

II. LCP PREPARATION: BACKGROUND:

A. Gualala Town Plan/Implementation Program

The Mendocino County Land Use Plan (Coastal Element of the General Plan), adopted in 1985, provides general goals and policies governing development throughout the entire coastal zone, and includes specific policies for establishment of an urban-rural boundary in Gualala and for public access to the coast in the Gualala area.

In the late 1980s, after a decade of rapid growth and development in Gualala, an ad hoc group called the Gualala Area Coalition formed to evaluate the planning issues facing Gualala and to open up the avenues of communication between Gualala and the County government in Ukiah. In response to the Coalition’s activities, in 1990 the Mendocino County Board of Supervisors established a local planning council for the Gualala area. The Gualala Municipal Advisory Council (GMAC) was created to advise the Board of

Supervisors on current development applications and to initiate long-range planning efforts to update the Coastal Element of the Mendocino County General Plan as it pertains to the Gualala area.

The Gualala Town Plan emerged from four years of community discussions at GMAC meetings and community workshops. The Town Plan was prepared with the input of more than three hundred local residents and visitors. The Plan was submitted to the County Board of Supervisors in May 1995, and went through several revisions before being approved by the Board and submitted to the Coastal Commission.

A primary goal of the Gualala Town Plan is to concentrate development within more urbanized areas in an effort to relieve development pressure on outlying resource lands and to provide for more efficient provision of services and infrastructure by facilitating a more centralized pattern of development.

B. Planning Commission Hearings.

During the period extending from September, 1997 through March, 1998, the Planning Commission held five public hearings regarding the draft Gualala Town Plan. On March 5, 1998, the Planning Commission tentatively approved the Town Plan with revisions.

C. Board of Supervisors' Hearings.

On June 8, 1998, the Board of Supervisors voted to uphold the recommendation of the Planning Commission, and approved a resolution to amend the Local Coastal Program for Mendocino County (#GP 11-95/R 5-96/OA 3-95 – Gualala Town Plan) with revisions.

D. Public Participation.

The Gualala Town Plan was the result of four years of community discussion and workshops, and was prepared with the input of more than 300 local residents and visitors. The Plan Committee, an informal group of about 30 area residents, landowners, developers, and business people, met regularly to develop the basic concepts presented in the Town Plan. The GMAC reviewed the Town Plan, facilitated public discussions of its content, and at public meetings over the course of more than three years, adopted the various policies and recommended implementing ordinances. The GMAC's Gualala Town Plan was submitted to the County Board of Supervisors in May 1995. After an initial review by the County staff and public agencies, a revised draft Gualala Town Plan was prepared by the Gualala Town Plan Advisory Committee, which included representatives of GMAC, the Board of Supervisors, Planning Commission, and Planning Department staff.

PART THREE: GUALALA TOWN PLAN/AMENDMENT TO LUP

I. ANALYSIS CRITERIA:

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

As submitted, the proposed LUP amendment is not fully consistent with the policies of the Coastal Act, but, if modified as suggested, will be consistent.

II. FINDINGS FOR LUP AMENDMENT:

The Commission finds and declares the following for Amendment No. 2-98:

A. FINDINGS FOR DENIAL OF AMENDMENT NO. 2-98 AS SUBMITTED, AND APPROVAL IF MODIFIED:

1. Amendment Description:

The LUP portion of LCP Amendment No. 2-98 consists of: 1) the Gualala Town Plan, which provides specific goals and policies governing development in the Gualala Town Plan area; 2) several minor text amendments to the existing County LUP that are necessary to provide references to the Gualala Town Plan; and 3) amendments to the Land Use Plan maps that are necessary to incorporate the revised land use designations for the Gualala Town Plan. The existing LCP goals, policies, and implementation program continue to apply within the GTP planning area; the Gualala Town Plan is intended to be utilized as a planning tool in cases where issues are specifically addressed in the plan in a more detailed manner than in the LCP, or in instances where an issue is not addressed at all by the existing LCP.

The three major changes to the existing LCP proposed by this LUP Amendment are as follows:

- a. Replacement of the existing “Commercial” land use classification with new land use classification categories of Gualala Village Mixed Use (GVMU), Gualala Highway Mixed Use (GHMU), and Gualala Planned Development (GPD), which allow residential uses as a principally permitted use. In the proposed new GPD districts, a minimum of 50% of the total lot area must be dedicated to residential uses. Residential development on existing commercial parcels is currently a conditional use, requiring a use permit.

These three new land use classification categories provide more restrictive development standards than the current designations. For example, under the current regulations, maximum building height in the commercial district is 35 feet. Maximum building height in the proposed new GVMU district is 28 feet east of Highway One and 18 feet west of Highway One; and is 28 feet in the proposed new GHMU and GPD districts. Maximum lot coverage and maximum floor-area ratios are also more restrictive in the proposed new districts than in the current commercial districts.

- b. Increasing the potential residential buildout in Gualala by 428 dwelling units, resulting from (a) allowing residential uses as principally permitted uses in the Mixed use districts; (b) requiring at least 50% of the acreage of Gualala Planned Development district parcels to be developed with residential uses; and (c) permitting second residential units on all legal parcels within the Gualala Town Plan area, with the exception of parcels west of Highway 1, up to a maximum of 100 second units within the town plan area.
- c. Extending the urban-rural boundary to encompass within the urban area the entire Gualala Town Plan area.

2. Need for Modification:

Several of the Suggested Modifications include minor text changes intended to clarify a point, correct grammar or syntax, or ensure consistency with other sections of the LUP. A few other Suggested Modifications seek to move text from one section of the Plan to another, more appropriate section. A few Suggested Modifications propose changing the word “should” to “shall” to make a policy more effective. Within Section 3.6, Circulation, Parking and Pedestrian Access, the policies have been incorrectly numbered (two policies with the same number), so a portion of **Suggested Modification No. 9** proposes to renumber the affected policies.

Those Suggested Modifications or portions of Suggested Modifications that are considered minor changes are described below.

Suggested Modification No. 1: Section 1.1 of the proposed Gualala Town Plan currently states that “No land, building, structure, or premises shall be **used**, developed or reconstructed in a manner which is inconsistent with the Gualala Town Plan or the associated zoning ordinance.” Since there are some legal, non-conforming uses that are permitted pursuant to Zoning Code Section 20.480 (Nonconforming Uses and Structures) and Section 20.532.020(e) (Exemptions, replacement or any structure destroyed by a disaster), Suggested Modification No. 1 deletes the word “used” so that certain legal, non-conforming uses may be permitted, consistent with the Zoning Code.

Suggested Modification No. 2: Section 1.4 of the GTP discusses how to use the plan. As written, the Gualala Town Plan includes both goals and policies that incorporate the policies of the Coastal Act. Suggested Modification No. 2 adds to Section 1.4 language stating that both goals and policies are intended to be the standard of review for purposes of an appeal to the Coastal Commission of a project approved within the Town Plan area. Suggested Modification No. 2 also adds language to this section stating that where there is a conflict among policies within the Town Plan, or between policies in the Town Plan and the rest of the certified LCP, the more restrictive policy would apply.

Suggested Modification No. 3: Section 2.5 of the GTP, Public Services and Road Capacity, includes some figures of Equivalent Single-Family Dwellings (ESD) allocations in the Sewer Service/Septic Availability section that are not current. Suggested Modification No. 3 updates these figures. The updated figures were obtained from County staff.

Suggested Modification No. 4: Section 2.8 of the GTP, Schools, currently states that “Virtually all children take the bus to and from school...” Suggested Modification No. 4 seeks to revise this to say “*Most* children take the bus to and from school,” which, according to County staff, is more accurate.

Suggested Modification No. 6: Suggested Modification No. 6 affects Section 3.2 of the GTP, Residential Development. The mod suggests moving text from Section 1.4, How to Use This Plan, to the Residential Development section, and including it as a policy. This change is appropriate as the text specifies a course of action to be taken in response to a given set of circumstances, which essentially is a policy. Policy G3.2-6 states that “Should the *residential* [changed from **population**] growth rate for the Gualala Town Plan planning area exceed 20 percent of the total growth anticipated by the plan in any 5-year increment of the plan’s existence, a review/update of the plan should be initiated.” The word “population” is changed to “residential” to make the five-year increment a measurable standard. Since the census is taken only once every ten years, there is no way to measure population growth every five years. However, residential growth can be computed by determining the number of building permits issued each year.

Suggested Modification No. 9: Section 3.8 of the GTP, Circulation, Parking and Pedestrian Access, contains a policy in the Parking section, G3.6-12, which states that “No on-street parking shall be permitted on Highway 1.” Suggested Modification No. 9 adds language to this policy such that “County staff shall coordinate with Caltrans to develop appropriate signage,” to make this policy more workable. Because Highway One is part of the State Highway system, Caltrans is responsible for signage along Highway One.

Suggested Modification No. 11: Section 3.8 of the GTP, Protection of Environmental Resources, includes a policy concerning service capacity for the North Gualala Water Company (Policy G3.8-3). Suggested Modification No. 11 proposes to move this policy to Chapter 3.10, Water and Sewer Services, as the subject of the policy is more specific to water and sewer services. In addition, Policy G3.8-4 states that “A review and possible update of the Plan should be initiated five years after adoption of said Plan.” This policy is also proposed to be revised to state that “The review should include an analysis of development constraints/thresholds for water connections and sewer capacity ESDs,” and moved to Chapter 3.10, for similar reasons, as part of Suggested Modification No. 11.

Suggested Modification No. 14: Coastal Act Section 30603 lists the types of development that may be appealed to the Coastal Commission when a local government has taken action on a coastal development permit application. Section 30603(4) includes: “Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).”

The new zoning districts proposed by the LCP Amendment do not identify for the purposes of appeals to the Coastal Commission one principal permitted use. Since no one type of development is designated as the “principal permitted use,” every development permitted in a particular zoning district would thus be appealable. That creates a cumbersome, unnecessary problem that can be rectified by identifying one “principal permitted use” for purposes of appeals to the Coastal Commission. Suggested Modification No. 17, 18, 19, and 22 are added to the Implementation Program amendment, described in Part Four. Suggested Modification No. 14 adds to Chapter 5 of the Gualala Town Plan a definition for “Principal Permitted Use (PPU),” which is the use type for each land use classification as designated by the GTP and implementing ordinances that is considered the primary use type for purposes of appeals to the Coastal Commission.

Suggested Modification No. 14 also makes minor changes to the definitions of “Access” and “Coastal Development Permit,” as well as adding a definition for “Sensitive Coastal Resource Area.” The latter definition is the same definition found for Sensitive Coastal Resource Areas in Section 30116 of the Coastal Act.

Additional Suggested Modifications that will ensure consistency of the LUP Amendment with the Coastal Act are discussed below in the relevant policy sections.

3. New Development/Water, Sewer, and Highway Services:

Section 30250(a) of the Coastal Act requires that new development be located in or near existing developed areas able to accommodate it and where it will not have significant

adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to concentrate development to minimize adverse impacts on coastal resources.

The proposed Gualala Town Plan seeks to concentrate future residential growth within the Town Plan area, thereby relieving development pressures on resource lands in the outlying areas. In addition, the plan seeks to provide for more residential development and less commercial development, thereby achieving a closer balance between residential and commercial growth. Five significant policy changes proposed by the Town Plan affect future residential growth in the Town Plan area:

1. Most of the existing commercial properties within the Town Plan area are proposed to be redesignated to Mixed Use land use designations: Gualala Village Mixed Use (GVMU) and Gualala Highway Mixed Use (GHMU). The proposed zoning changes to implement these LUP designations allow residential uses as a principal use, alleviating the requirement for a use permit. The existing Commercial designation requires a conditional use permit for residential development.
2. The two largest commercial properties within the Town Plan area, a 40-acre parcel east of Church Street, and a 58-acre parcel south of Highway 1 known as the Lower Mill site, are proposed to be redesignated and rezoned as Planned Development (GPD). The proposed land use designation and zoning require at least half of the total acreage of the Planned Development district to be devoted to residential uses. Redesignating and rezoning these parcels as Planned Development will allow for creative site planning and design, and will provide substantial opportunities for public participation in the planning process.
3. The Gualala Town Plan allows for development of second residential units on parcels east of Highway 1 within the Town Plan area, up to a maximum of 100. The second units are intended to help provide more affordable housing in the Town Plan area.
4. The Gualala Town Plan also provides for the long-range planning of future residential development areas by designating a 480-acre area east of town as "Residential Reserve," identifying it as a suitable location for future residential development. This area is currently zoned Remote Residential-40 acre minimum (RMR-40) and Forest Land (FL). The zoning is not proposed to be changed at this time; at such time when residential densities are proposed to be increased, substantial environmental analysis and Coastal Commission certification of LCP changes will be necessary.

5. The Gualala Town Plan proposes to move the urban-rural boundary to coincide with the Gualala Town Plan area boundary.

In its consideration of growth potential of the proposed Town Plan, the Commission is primarily concerned that there is not enough service capacity (water, sewer, highway) to serve buildout either under the existing certified LCP, or the LCP as proposed to be amended. The shortage of services raises two kinds of concerns for consistency of the plan with Section 30250 of the Coastal Act. First, development potential under the LCP as proposed to be amended should not be expanded above what buildout of the certified LCP would provide. Second, the LCP should contain policies ensuring that no coastal development permits are issued for proposed new development until it has been demonstrated that there will be adequate water, sewer, and highway capacity to accommodate the development.

Section 30250 requires that new development only be located where there are services to accommodate it so that overtaxed services are not further burdened by additional demand, and so that the impacts of new development on coastal resources are not incurred in instances when the development cannot even be used due to lack of services.

Sewer Services.

The Gualala Town Plan area currently has significant development constraints in that sewer capacity is limited. The Gualala Community Services District (GCSD) wastewater treatment system was completed in 1993. The GCSD area encompasses approximately 1,430 acres, 550 acres of which are included in the initial Sewer Assessment District boundary. The Gualala Town Plan area includes most of the GCSD area. The system has a capacity of 625 Equivalent Single-Family Dwellings (ESDs), of which 460 have been allocated as of October 1997. The remaining unused capacity is thus approximately 165 ESDs. The Gualala Town Plan points out that the remaining ESDs may not be sufficient to accommodate the demands for sewer connections for the 30-year planning horizon of the Town Plan. Using a 75/50% buildout scenario, buildout of residential uses under the existing LCP would require an additional 331 ESDs. Under the Gualala Town Plan, using the 75/50% scenario, buildout of residential uses would require 759 ESDs. Under both of these scenarios, the remaining capacity of the GCSD treatment plant would be exceeded.

When 500 ESDs are in use, the GCSD is required by the State Water Resources Control Board to initiate plans for wastewater treatment plant expansion. An LCP amendment and further environmental review will be necessary prior to any approval of any expansion of the GCSD facilities.

Water Services.

Similarly, water capacity is limited. The Gualala Water Company serves the Gualala area with water drawn primarily from the North Fork Gualala River. Capacity is limited by the capacity of its pumping and storage facilities as well as limits set by the State Water Resources Control Board (SWRCB) on the amount of water the company may appropriate from the river at given times of the year. Based on an estimated 3.7% annual population growth rate within the GTP area, the development threshold (80%) point at which development would exceed infrastructure capacity for water supply would be reached by the year 2007. There are 917 existing water connections (1996), and the capacity is 1,700.

The proposed GTP includes a policy (G3.8-3) that states that when the North Gualala Water Company reaches 80 percent of service capacity, action should be initiated to develop a new water supply, develop increased storage capacity for water supply during low flow periods, increase water conservation efforts, and/or restrict the amount of new development that increases water usage. Policy G3.8-4 also requires a review and possible update of the Plan to be initiated five years after Plan adoption. These policies are intended to ensure that water supply will be adequate to meet the demand in the GTP area.

There has been some controversy regarding the diversion of water for the Town. The SWRCB issued four permits to the North Gualala Water Company (GWC) authorizing diversion of water from various streams tributary to the Pacific Ocean in Mendocino County. North Gualala Water Company (NGWC) received water right Permit 14853 on September 3, 1965. This permit authorized NGWC to divert up to 2.0 cfs year-round from the North Fork Gualala River, subject to certain terms and conditions. The North Fork Gualala River is tributary to the Gualala River. The point of diversion is approximately two miles east of the town of Gualala. NGWC installed a pumping gallery and diverted water at this point of diversion until 1989.

In 1978, in response to a petition that was submitted, the SWRCB issued an order that changed the place of use, added three new terms to the permit, including a measuring device requirement to measure bypass flows, and amended an existing term to require a minimum fish bypass flow of 40 cubic feet per second from November 15 through February 29; 20 cfs from March 1 through May 31; and 4 cfs from June 1 through November 14.

Due to concerns regarding the drinking water quality from the offset well, the NGWC abandoned the original point of diversion from Permit 14853 and in 1989 drilled Well No. 4, a 142-foot-deep vertical well, Well No. 4, approximately 500 yards upstream from the original permitted point of diversion. Well No. 4 went into service in 1989, replacing the permitted point of diversion. This well has been approved by the Health Department.

The NGWC alleged that this well pumped percolating groundwater, and therefore was not subject to regulation by the SWRCB. Upon a detailed review by the Division of Water Rights staff, it was determined that Well No. 4 was pumping water from a subterranean stream that is associated with the North Fork Gualala River. Consequently, use of this water is within the jurisdiction of the SWRCB and requires an appropriate water right to pump water from this well.

The NGWC thus filed a petition in November 1994 to add points of diversion to cover Wells 4 and 5 and delete the original point of diversion. Well No. 4 will be used to supply municipal water to the Service Area of NGWC and Well No. 5 will be a backup well. Since Well No. 4 is the Company's primary water supply, it is highly unlikely that the Company would be able to shut down this point of diversion when flows in the river are less than the required minimums, without generating potential health and safety problems, unless the Company takes other actions to prevent these problems. On December 26, 1995 NGWC filed a petition to add 13 parcels to the authorized Place of Use. Both of the NGWC petitions were protested, and the Division conducted a field investigation.

During its field investigation, SWRCB attempted to determine whether moving the point of diversion upstream from the previously permitted location to offset Wells Nos. 4 and 5 would have adverse impacts on the environment. Well No. 4 was installed in 1992 and has been in operation since that time. SWRCB staff concluded that the adjacent riparian vegetation on the North Fork Gualala River was well developed and healthy, and that there was no evidence to suggest that the installation and operation of Wells No. 4 and 5 has caused any significant adverse impacts to the riparian vegetation in the vicinity of the wells.

A concern was also raised that the diversion might have an adverse effect on anadromous fish, and that the Company was not meeting the bypass flows required by the permit. The Division determined that the Company must develop a surface flow measuring plan to comply with the measuring device requirement of their permit. The Division concluded that the petitions should be approved subject to conditions.

Highway Capacity.

The Commission is also concerned about limited Highway One capacity. State Highway One is one of California's most valuable scenic resources and provides the principal means for Californians to access the coast. Highway 1 along the Mendocino coast experiences a steady stream of tourist traffic all year long, with traffic peaks between April and October. State Highway 1 has also been designated a Pacific Coast Bicentennial Route, and is very popular with touring cyclists. As noted in the 1990 DKS Associates State Route 1 Capacity and Development Study, Mendocino Coast residents find themselves competing

with vacationers for the limited capacity of State Route 1. Due to the highway's scenic qualities, heavy use by recreational vehicles as well as logging trucks, and limited passing opportunities along much of its length, Highway One's traffic carrying capacity is less than that of other two-lane roads.

Coastal Act Section 30254 states that it is the intent of the Legislature that State Highway One in rural areas of the coastal zone remain a scenic two-lane road, and that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Section 30250(a) of the Coastal Act also requires that new development not have significant adverse effects, either individually or cumulatively, on coastal resources.

Because the only north-south arterial in coastal Mendocino County is Highway One, the requirements of Section 30254 are a limiting factor on the potential for new development in Mendocino County. In addition, Section 30254 requires that high priority uses of the coast not be precluded by other, lower-priority uses when highway capacity is limited.

While curves can be straightened, gulches bridged, and shoulders widened, the basic configuration of the highway will remain much the same due to topography, existing lot patterns, and the priorities of Caltrans to improve the state's highway system in other areas. To assess the limited Highway One capacity, a study was prepared for the Commission in 1979 as a tool for coastal planning in Marin, Sonoma, and Mendocino counties (Highway 1 Capacity Study). The study offered some possibilities for increasing capacity and describes alternative absolute minimum levels of service. Because highway capacity is an important determinative for the LUP, the Commission's highway study was re-evaluated by the LUP consultant and alternative assumptions were tested.

The Highway One Capacity Study described then-current use of different segments of Highway One in terms of levels of service categories. Such categories are commonly used in traffic engineering studies to provide a measure of traffic congestion, and typically range from Level of Service A (best conditions) to Level of Service F (worst condition). The 1979 Highway One Capacity Study determined that only the leg of Highway One between Highway 128 and Mallo Pass Creek was at Service Level D (unstable flow; low freedom to maneuver; unsatisfactory conditions for most drivers) during peak hours of use in 1979; all other legs were at Level E. Service Level E (difficult speed selection and passing; low comfort) is the calculated capacity of the highway. At Level F (forced flow), volume is lower. Along the Mendocino coast, peak hour can be expected to occur between noon and 5 p.m. on summer Sundays.

Highway capacity was recognized by the Commission as a constraint that limits new development, as new development generates more traffic that uses more capacity and a lack of available capacity results in over-crowded highways for long periods of time. The Commission also initially denied Mendocino County's LUP, based in part on highway constraints. When it eventually certified the Mendocino County Land Use Plan with Suggested Modifications, the Commission found that too much build-out of the Mendocino coast would severely impact the recreational experience of Highway One and its availability for access to other recreational destination points. The LUP as originally submitted would have allowed for 3,400 new residential parcels to be created potentially. The Commission found 121 geographic areas that were not in conformance with Section 30250 of the Coastal Act. The County reviewed these areas, and agreed to a proposed modification that would result in a redesignation of the identified non-conforming areas, thus reducing the total number of new residential parcels which potentially could be created by approximately 1,500. In other words, the Commission reduced by more than half the number of potential new parcels that could be created under the certified LUP, based on its conclusion that, given the information available at that time, approximately 1,500 new parcels was the maximum number of new parcels Highway One could accommodate while remaining a scenic, two-lane road.

The Commission recognized that in the future, a greater or smaller number of potential new parcels might be more appropriate, given that changes might occur that would affect highway capacity, such as new road improvements, or that development might proceed at a faster or slower pace than anticipated. To provide for an orderly process to adjust the number of potential parcels allowed under the LCP to reflect conditions as they change over time, the Commission approved Policy 3.9-4 of the LUP that required a future review of the Land Use Plan.

Policy 3.9-4 of the County's LUP states that:

Following approval of each 500 additional housing units in the coastal zone, or every 5 years, whichever comes first, the Land Use Plan shall be thoroughly reviewed to determine:

Whether the Highway 1 capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased.

Whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable build-out limits should be increased or decreased.

Whether any significant adverse cumulative effects on coastal resources are apparent.

In response to this policy, in 1994 the County hired a transportation consultant firm to do a study (titled the State Route 1 Corridor Study) that would determine the impact to Highway One traffic carrying capacity from the build-out of the Coastal Element of the General Plan. The focus of the study was to project future traffic volumes which would be generated by potential development allowed by the Coastal Element in the coastal zone and by potential development from growth areas outside of the coastal zone that affect traffic conditions on Highway One. The traffic impact on the level of service (LOS) of study intersections and segments on Highway One based on incremental build-out scenarios was then determined (LOS A through E was considered acceptable in most locations; LOS F was considered unacceptable). The study also identified roadway improvement options available for increasing capacity on Highway One and other roadways that affect the Highway One corridor.

In 1995, the Gualala Traffic Study was also done. This study evaluates existing and projected traffic conditions on Highway One in the Gualala area, and analyzes the effects of incremental levels of development on Highway One traffic carrying capacity in the Gualala area from the build out of the Coastal Element of the General Plan (LUP). The focus of the study was to project future traffic volumes on Highway One and the local road network and to evaluate the need for intersection and roadway segment improvements including the road improvements and extensions proposed in the Draft Gualala Town Plan.

The Traffic Study found that under existing conditions, all intersections and road segments on Highway One in the Gualala commercial district were operating at “acceptable” levels of service (LOS) in 1994. However, the study also found that projected increases in traffic volumes on Highway One resulting from buildout of commercial and residential lands under the Gualala Town Plan, using the 75/50% buildout scenario (existing development plus development on 75% of existing vacant parcels plus development on 50% of potential new parcels plus 75% of commercial, industrial, and visitor-serving facility build-out potential by the year 2020), would degrade operations on Highway One from Old State Highway to Pacific Woods Road and at five intersections in the commercial district to a level of service F, which is unacceptable. The Traffic Study found that increased traffic volumes can be accommodated if improvements are made to increase the capacity of the Highway One corridor within Gualala’s commercial district. The Gualala Town Plan recommends various improvements necessary to accommodate increased traffic volumes from projected buildout under the Gualala Town Plan, while ensuring Highway One operates at a level of service D or better.

In 1997, the Gualala Transportation Financing Study was prepared and adopted by the Board of Supervisors. This report developed options to finance transportation infrastructure that is intended to serve traffic growth within the Gualala area. The report presents the growth scenarios, cost estimates of the transportation improvements, traffic impact fee options, and a list of other issues surrounding the implementation and administration of the fee.

Need for Modifications.

To ensure that the plan does not allow for development for which there are not adequate water, sewer, or highway services, the Commission requires a number of modifications. The Town Plan proposes moving the urban-rural boundary to be coincident with the boundary of the Gualala Town Plan Area. The Commission finds that expanding the urban-rural boundary has the potential to allow greater density by making it more permissible to expand the service area of the sewer district. Currently the service/assessment area of the sewer district is essentially coterminous with the urban side of the urban-rural boundary, which was established to match the service/assessment area in 1989, when the Commission approved LUP Amendment 1-89 to provide for a sewer district in Gualala.

In addition, Policy 3.8-1 of the County LUP requires that on the rural side of the urban-rural boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, and availability of water and solid and septage disposal adequacy; highway capacity impacts shall be considered in determining land use classifications and density changes.

When proposed LCP amendments for density increases in rural areas are considered, the Commission applies the rural land division criteria to determine if a change to the existing zoning that will result in a density increase is warranted. The Commission looks at the average parcel size of parcels in the surrounding area, computing the mode, median, and mean of surrounding parcels. If the urban-rural boundary is moved to expand the urban area, the rural land division criteria would no longer apply, making it more likely that density increases would occur.

There is not adequate water or sewer hookups available to serve the potential density allowed under buildout of the current LCP. The Commission finds that it is not appropriate at this time to expand the urban portion of the urban-rural boundary, which is potentially growth inducing, until such time as additional services are available. The Commission thus requires **Special Modifications No. 5, 15, and 16**, which delete the proposed changes to the urban-rural boundary, as described below.

SUGGESTED MODIFICATION NO. 5: Policy G3.1-1 in Section 3.1 of the Gualala Town Plan shall be modified as follows:

3.1 DEVELOPMENT LOCATION

G3.1-1 The urban-rural boundary for the town of Gualala shall be coincident with the ~~Gualala Town Plan area boundary as indicated on Figure 1.1~~ *boundary lines delineated on Land Use Map 31.*

SUGGESTED MODIFICATION NO. 15: Section 4.12-2 of the Coastal Element shall be modified as follows:

The urban-rural boundary of the community of Gualala is indicated by boundary lines delineated on Land Use Map 31.

~~The urban-rural boundary is coincident with the Gualala Town Plan area.~~ The Town Plan area includes all lands within the Gualala Community Services District (GCSD) and the small lot residential subdivisions adjoining the GCSD service area. The Town Plan area was selected to identify where new development could be served by community water and/or sewer systems and where such development would minimize traffic impacts on Highway 1. A primary goal of the Gualala Town Plan is to concentrate new development within the Town Plan area.

SUGGESTED MODIFICATION NO. 16: Change the proposed new location of the Urban-Rural boundary on the Land Use Map back to its original location.

These modifications delete the policies that state that the urban-rural boundary for the town of Gualala shall be coincident with the Gualala Town Plan area boundary. In addition, the Land Use Plan Map, which is proposed to be changed to delineate the expanded urban-rural boundary, will be changed back to where it currently is.

As noted above, Section 30250(a) of the Coastal Act requires that new development be located in areas able to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Under the existing Mendocino County LCP, only one dwelling unit per legally created parcel is allowed within the Gualala Town Plan area. The proposed Gualala Town Plan allows up to 100 second residential units within the Town Plan area, on the east side of Highway 1. The second units are intended to help provide more affordable housing in the Town Plan area. It is anticipated that some of these second units will be occupied by persons employed in the visitor-serving industry, thus helping to support visitor-serving

use as a high-priority use. In addition, County staff has indicated that there are existing a number of unpermitted second units, which would be legitimized by the allowance of up to 100 second units in the Town Plan area.

The Town Plan includes a policy, now Policy G3.8-3 (relocated and renumbered by Suggested Modification No. 11), which states that “New development shall be permitted only if the infrastructure and resources to support it are available, or are made available as part of the developer’s project plan.” Under this policy, no second unit would be allowed unless there are available services to support it.

While allowing second units as proposed would increase residential density within the Town Plan area, because the number of units allowed is limited (to 100), and will largely include existing illegal second units, the density increase is not significant.

Various policy changes in the proposed Town Plan that will facilitate residential development may increase the initial rate of development. However, these policy changes will not result in significant density increases beyond what is allowed under the current certified LCP because residential growth will occur at the expense of commercial growth, whose potential has been reduced. In addition, the three new land use plan classification categories provide more restrictive development standards than the current commercial designations. For example, in the new GVMU district, maximum building height has been reduced from 35 feet, currently allowed in the Commercial district, to 28 feet east of Highway 1 and 18 feet west of Highway 1, and in the new GHMU and GPD districts, maximum building height has been reduced to 28 feet. Maximum lot coverage and maximum floor-area ratios are also more restrictive in the proposed new districts than in the current commercial district. Therefore, while these provisions increases the potential residential buildout in Gualala, the Gualala Town Plan significantly reduces commercial buildout potential by the restrictions placed on commercial development.

Due to the constraints on water and sewer service, and highway capacity, the Commission finds that additional policy language is required to ensure that adequate services will be available to serve the potential development allowed by the Plan. Even with the modifications (Suggested Modifications No. 5, 15, and 16) that prevent expansion of the urban side of the urban-rural boundary so as not to cause significant increases in density over what buildout allowed under the current LCP would provide, existing service capacity is not sufficient to accommodate all the development that could be allowed. Thus it is necessary to ensure that no new development be approved unless it can be demonstrated that adequate sewer and water services will be provided. In addition, it is necessary to ensure that there are adequate services for the second residential units allowed under the proposed Town Plan. Therefore, the Commission requires additional modifications.

Suggested Modifications No. 12 (see Page 35) adds a new section to the Gualala Town Plan, 3.10, Water and Sewer Services. This new section contains several new policies, as well as a policy regarding options for increasing water supply that has been moved from Section 3.8, Protection of Environmental Resources. To ensure that no new development is approved without adequate services, Policy G3.10-2 requires that either a hook-up to the North Gualala Water Company or an adequate on-site water system shall be available to serve any new development, and Policy G3.10-3 requires that either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system shall be available to serve any new development.

Suggested Modification No. 12: A new section, Section 3.10, **WATER AND SEWER SERVICES**, shall be added to the Gualala Town Plan, and shall contain the following policies:

3.10 WATER AND SEWER SERVICES

G3.10-1 When the North Gualala Water Company reaches 80 percent of service capacity, as defined in the Development/Constraints Table found in Section 2.5 of this Plan (or any amendments in this capacity due to new facilities), action should be initiated on one or more of the following options:

- *Development of new water supply source (NGWC).*
- *Development of increased storage capacity for water supply during low flow periods (NGWC).*
- *Increase water conservation efforts (water users).*
- *Restrict the amount of new development, which increases water usage (County).*

NOTE: Policy G3.10-1 has been moved from Section 3.8, Protection of Environmental Resources, where it was included as Policy G3.8-3.

G3.10-2 Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve any new development.

G3.10-3 Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve any new development.

G3.10-4 At such time as a utility company, such as the North Gualala Water Company, or the Gualala Community Services District, proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses.

The percentage of the new capacity to be reserved for visitor-serving uses shall be commensurate with the percentage of existing visitor-serving uses as compared to non visitor-serving uses. This percentage should be calculated at the time the service expansion is proposed.

The capacity of any new infrastructure development shall not exceed the buildout potential of the Town Plan.

G3.10-5 A review and possible update of the Plan should be initiated five years after adoption of said Plan. The review should include an analysis of development constraints/thresholds for water connections and sewer capacity ESDs.

Under the current LCP, the allowed buildout will result in the highway level of service dropping to unacceptable levels within the town. The proposed Town Plan attempts to deal with this problem. However, the Commission finds it necessary to include additional modifications to address the problem. **Suggested Modification No. 3** (see Page 13) modifies Section 2.5 of the GTP, Public Services and Road Capacity, by deleting the Robinson Gulch bridge from the list of recommended improvements necessary to accommodate increased traffic volumes from projected buildout under the GTP. The bridge over Robinson Gulch was proposed earlier in the development of the GTP when the Residential Reserve was included as part of the current plan, with proposed new zoning for that area. In the currently proposed plan, no zoning changes are proposed for the Residential Reserve, and thus the Robinson Gulch bridge need not be considered at this time. **Suggested Modification No. 9** (see Page 27) modifies Section 3.6 of the GTP, Circulation, Parking and Pedestrian Access. Policy G3.6-11 is modified to include language requiring that Level of Service E shall be maintained on all Highway 1 road segments and intersections in the commercial district, and requiring that during the five-year review of the GTP, it should be determined if there will be any deterioration below LOS D, and, if so, steps should be initiated to ensure that levels of service are improved in the affected areas. This modification also renumbers some incorrectly numbered sections, and adds language regarding the prohibition of on-street parking by requiring coordination with Caltrans to develop signage to make this policy more workable.

SUGGESTED MODIFICATION NO. 3: Section 2.5 of the Gualala Town Plan shall be modified as follows:

Highway 1 Capacity

In the California Coastal Act of 1976, the California legislature mandated that Highway One "in rural areas of the coastal zone remain a scenic two-lane roadway" (PRC Section 30254). While this mandate serves as an overall constraint to future growth on the Mendocino coast, highway improvements within urbanized areas, such as Gualala, can increase the local capacity of the

roadway to accommodate growth. The Gualala Traffic Study (TJKM, February 1995) evaluates existing and projected traffic conditions on Highway 1 in the Gualala area.

The Traffic Study found that under existing conditions, all intersections and road segments on Highway 1 in the Gualala commercial district were operating at “acceptable” levels of service (LOS) in 1994.² The heaviest congestion and delays were experienced at the Sundstrom Mall entry/Highway 1 intersection, which operated at LOS D.

The Traffic Study found that projected increases in traffic volumes on Highway 1 resulting from buildout of commercial and residential lands under the Gualala Town Plan (under the 75/50% Scenario) would degrade operations on Highway 1 from Old State Highway to Pacific Woods Road and at five intersections in the commercial district to a level of service F, which is unacceptable. However, the Traffic Study found that increased traffic volumes can be accommodated if improvements are made to increase the capacity of the Highway 1 corridor within Gualala’s commercial district. Recommended improvements necessary to accommodate increased traffic volumes from projected buildout under the Gualala Town Plan, while ensuring Highway 1 operates at a level of service D or better, include:

- Two-way left-turn lane on Highway One from Old State Highway to Bakertown.
- Development of parallel roadway east of Highway One (along Church Street alignment), with *a* bridges over China Gulch ~~and Robinson Gulch~~.
- Installation of traffic signals on Highway 1 at Old State Highway, Sundstrom Mall and Ocean Drive.
- Left-turn channelization on Highway 1 at Old State Highway, Center Street, Sundstrom Mall, Ocean Drive and Pacific Woods Road.
- Northbound right-turn channelization on Highway 1 at Old State Highway.

SUGGESTED MODIFICATION NO. 9: Several policies from Section 3.6 of the Gualala Town Plan, **Circulation, Parking, and Pedestrian Access**, shall be modified as follows:

In the **Circulation** subsection:

- G3.6-11 *Level of Service E shall be maintained on all Highway 1 road segments and intersections in the commercial district. New development shall not be approved if LOS E will not be maintained on all Highway 1 road segments and intersections in the commercial district. The five-year review of the GTP should include a review and analysis of current highway levels of service and new projections of levels of service to determine if there will be any deterioration below Level D for any Highway 1 road segments or intersections within the commercial district of the Town Plan area. If LOS*
-

D is not being maintained, steps should be initiated to ensure that levels of service are improved in the affected areas. The five-year review of the GTP should also consider the development of a cost-sharing plan for traffic mitigation measures. Traffic mitigation measures and traffic control measures, including traffic signals, should be considered as methods of improving level of service at the intersections of State Route 1 and Sundstrom Mall, Ocean Drive, and Pacific Woods Road consistent with the findings of the Gualala Traffic Study - February, 1995.

In the **Parking** subsection:

- ~~G3.6-11~~ G3.6-12 No on-street parking shall be permitted on Highway 1. *County staff shall coordinate with Caltrans to develop appropriate signage.*
- ~~G3.6-12~~ G3.6-13 Off-street parking shall be provided in accordance with the standards established in the "Off-Street Parking" chapter of the Coastal Zoning Code. The "Design Guidelines " chapter of the Gualala Town Plan provides additional policies for vehicle access and parking design.

In the **Pedestrian Access** subsection:

- ~~G3.6-13~~ G3.6-14 A continuous pedestrian walkway shall be provided on the east side of Highway 1, from Old State Highway to the Gualala Mobile Court and on the west side of Highway 1 from Old State Highway to Robinson Reef Road. Additional pedestrian walkways may be necessary to serve future development on the east side of Highway 1 between Gualala Mobile Court and Pacific Woods Road.
- Pedestrian walkways may be located anywhere within the designated landscaping/sidewalk area, but shall connect with existing walkways on adjoining parcels or provide for a reasonable connection to future pathways on adjoining parcels. Policies in the "Design Guidelines" chapter of the Gualala Town Plan provide guidance for the development of pedestrian walkways.
- ~~G3.6-14~~ G3.6-15 Pedestrian walkways and landscaping shall be provided along local roads within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned development districts as illustrated on the Local Roads Streetscape Cross-section (Figure 3.6). Where feasible, walkways and landscaping shall be located in the public road right-of-way. An encroachment permit from the Mendocino County Department of Public Works is required for all improvements within County road rights-of-way.

All pedestrian walkways shall be a minimum of five (5) feet in width and shall be constructed of concrete. Exceptions to the strict application of these standards may be granted by the approving authority if it is found that strict adherence is not feasible or would have significant adverse impacts on natural resources, aesthetics, or other environmental factors.

~~G3.6-15~~ G3.6-16 Landscaping shall be provided along all pedestrian walkways to create attractive and usable pedestrian corridors. Landscaping shall be established and maintained in accordance with the "Design Guidelines" of the Gualala Town Plan.

~~G3.6-16~~ G3.6-17 Pedestrian crosswalks shall be provided at the following locations on Highway 1:

Sundstrom Center entry	Ocean Drive
Seacliff	Center Street

~~G3.6-17~~ G3.6-18 Pedestrian crosswalks shall be constructed of flush pavers. Pavers used at crosswalk areas must: (a) be flush with the adjacent paving; (b) be skid-resistant; (c) be contained within a cast concrete perimeter to prevent loosening; and (d) have small, tight joints to accommodate wheelchairs and strollers.

~~G3.6-18~~ G3.6-19 All crosswalks and pedestrian walkways shall be accessible to disabled persons and meet the requirements of the Americans with Disabilities Act.

As submitted, the proposed LUP Amendment is inconsistent with the Coastal Act. However, if modified as suggested, the proposed LUP Amendment is consistent with Coastal Act Sections 30250(a) and 30254, as the plan requires that adequate water and sewer services will be provided for new development in the Town Plan area, and that Highway One levels of service will remain at an acceptable level.

4. Visitor-Serving Facilities:

Coastal Act Section 30222 states that:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act Section 30213 states in part that:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The Coastal Act thus assigns a high priority to the use of private lands for visitor-serving facilities; however, the Gualala Town Plan does not contain any language protecting visitor-serving facilities. In fact, the GTP proposes to change the existing commercial designation, which can accommodate visitor-serving facilities, to three mixed-use designations. These mixed-use designations encourage residential development by allowing residential development as a principally permitted use, eliminating the need for a conditional use permit, and requiring a minimum of 50% of the total lot area within the proposed new GPD district to be dedicated to residential uses. Therefore, under the proposed plan, suitable sites for visitor-serving facilities would not be protected for such uses and could be excluded by residential development.

The Commission is thus concerned that since increased residential development is more likely under the new land use classifications, visitor serving facilities will not be given the high priority afforded them under the Coastal Act. As submitted, therefore, the proposed LUP Amendment is not consistent with the Coastal Act policies regarding visitor-serving facilities. However, if modified as suggested below, the proposed amendment could be found consistent with the Coastal Act policies affording priority to visitor-serving uses. The Commission attaches three Suggested Modifications to ensure that visitor-serving uses are protected in the Town Plan, described below.

As currently proposed, Section 3.7 of the Plan includes policies concerning Recreation Facilities, Coastal Access, and Trails, but does not address Visitor-Serving Facilities. **Suggested Modification No. 10** (see Page 32) changes the name of the Section to include Visitor-Serving Facilities, and adds a subsection for Visitor-Serving Facilities that includes two new policies affording priority to visitor-serving uses. Adding these policies will enable the County and the Commission to protect individual sites that are particularly important and suited for visitor-serving uses when reviewing permit applications or appeals.

Suggested Modification No. 12 (see Page 35) adds a new section to the GTP, **Water and Sewer Services** (described above in the New Development/Water, Sewer, and Highway Services section of this report), which contains several new policies regarding water supply and demand. To ensure that adequate services will be available for visitor-serving uses, Policy G3.10-4 requires that when a utility company proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses, and that the percentage of the new capacity to be reserved for visitor-serving uses shall be

commensurate to the percentage of existing visitor-serving uses as compared to non visitor-serving use.

The relevant section of **Suggested Modification No. 13** (see Page 36) modifies the portion of Chapter 4 of the GTP that pertains to the Gualala Planned Development (GPD) district, adding a requirement that a minimum of 10 percent of the total lot area within a GPD district must be dedicated to visitor-serving facilities. The proposed GPD district contains two large commercial parcels (the Church Street parcel and the Lower Mill site), the largest tracts of undeveloped land near the center of town. Due to their size and location, these parcels have a high utility value for visitor-serving uses. Requiring that 10% of the GPD district be dedicated to visitor-serving uses will reserve a certain amount of this valuable land for a high priority use.

The Commission selects 10% as an appropriate figure to reserve for visitor-serving uses as it reflects the approximate current percentage of visitor-serving facilities within the Town Plan area.

SUGGESTED MODIFICATION NO. 10: Section 3.7 of the Gualala Town Plan shall be modified as follows:

3.7 RECREATION AND VISITOR-SERVING FACILITIES, COASTAL ACCESS & TRAILS

Recreation Facilities

- G3.7-1 *Within two years of plan certification, the County should initiate preparation of a feasibility study. ~~The Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area.~~*

. . .

Visitor-Serving Facilities

- G3.7-8 *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*
- G3.7-9 *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general*

commercial development, but not over agriculture or coastal-dependent industry.

SUGGESTED MODIFICATION NO. 12 (portion): A new section, Section 3.10, **WATER AND SEWER SERVICES**, shall be added to the Gualala Town Plan, and shall contain the following policy:

. . .

G3.10-4 *At such time as a utility company, such as the North Gualala Water Company, or the Gualala Community Services District, proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses. The percentage of the new capacity to be reserved for visitor-serving uses shall be commensurate with the percentage of existing visitor-serving uses as compared to non visitor-serving uses. This percentage should be calculated at the time the service expansion is proposed.*

The capacity of any new infrastructure development shall not exceed the buildout potential of the Town Plan.

. . .

SUGGESTED MODIFICATION NO. 13 (portion): Chapter 4 of the Gualala Town Plan shall be modified as follows:

GUALALA PLANNED DEVELOPMENT

Map Code: GPD

. . .

Requirements for Development: At a minimum, fifty percent (50%) of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be dedicated to visitor-serving facilities. Visitor-serving facilities include, but are not limited to, bed and breakfast accommodations, hotels, motels, inns, and restaurants.*

. . .

5. Public Access and Recreation:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand

and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

The Mendocino County LUP currently includes a number of policies regarding standards for providing and maintaining public access. Policy 3.6-9 states that offers to dedicate an easement shall be required in connection with new development for all areas designated on the land use plan maps. Policy 3.6-28 states that new development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement. LUP Policy 3.6-27 states that:

No development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's "Manual on Implied Dedication and Prescriptive Rights." Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval.

This language is reiterated in Zoning Code Section 20.528.030.

Coastal Act Sections 30220, 30221, 30222, 30223, and 30224 provide for the protection of recreational use in coastal areas.

The Gualala Town Plan includes Section 3.7, Recreation Facilities, Coastal Access and Trails (which has been modified by Suggested Modification No. 10 to include Visitor-Serving Facilities), which contains several policies concerning the provision and protection of coastal access and trails within the Gualala Town Plan area. Policy G3.7-1 states that the Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area. Although the intent of the policy is consistent with Section 30210 of the Coastal Act in that the policy would help provide maximum public access, the policy is not enforceable, as it sets no time frame for accomplishing its goals. Therefore, as submitted, the LUP Amendment is not fully consistent with the Coastal Act policies concerning coastal access and recreation. **Suggested Modification No. 10** (see Page 32) is necessary to ensure consistency with the Coastal Act.

SUGGESTED MODIFICATION NO. 10 (portion): The Recreation Facilities subsection of Section 3.7 of the Gualala Town Plan shall be modified as follows:

3.7 RECREATION AND VISITOR-SERVING FACILITIES, COASTAL ACCESS & TRAILS

Recreation Facilities

G3.7-1 *Within two years of plan certification, the County should initiate preparation of a feasibility study* ~~The Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area.~~

By adding language to Policy G3.7-1 to require preparation of a feasibility study for the acquisition and development of public parks and recreation facilities, the Town Plan will contain a mechanism for achieving the goal of providing additional public facilities.

The proposed LCP Amendment, as modified, is thus consistent with the public access and recreation policies of the Coastal Act.

6. Visual Resources:

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated...by local government shall be subordinate to the character of its setting.

The main areas of concern regarding the protection of visual resources in the Gualala Town Plan area are: (1) protecting view corridors to the coast from Highway One through development west of the highway; (2) protecting views from Gualala Point Regional Park in Sonoma County, including the sand spit, blufftop vantage points, and the campground just east of the bridge, and from Highway One from the perspective of motorists and bicyclists heading north just before the Gualala River Bridge; and (3) preserving the visual character of the town.

The proposed GTP establishes three new mixed-use districts, Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development, all of which allow residential development as a principally permitted use, rather than as a conditional use, as is currently the case. In addition, the proposed GTP requires that 50% of the GPD

districts be residentially developed. Chapter 4 of the Town Plan specifically indicates that “The flat topography of the Lower Mill site establishes it as one of the few sites in town which would permit development of relatively high density residential uses.” It is thus likely that there will be more rapid, intensive development in these new districts than there would be if the districts had remained designated for Commercial use, with residential use requiring a conditional use permit.

Restricting new development in these three proposed new mixed-use districts to protect visual resources is critical due to the visually prominent location of these districts. The proposed GHMU and GVMU are both adjacent to Highway One, and one of the large GPD parcels, the 58-acre Lower Mill Site, is adjacent to the highway, and in close proximity to the Gualala River. The Lower Mill Site near the Gualala River is of particular concern given that the natural appearance of the largely undeveloped, forested property and its close proximity to other natural areas along the river contributes greatly to the visual character of that part of the Gualala Town Plan area.

The proposed Gualala Town Plan provides design guidelines to address visual issues. The plan contains Section 3.4, Design Guidelines for Mixed Use and Planned Development Districts, which includes design guidelines for site planning, architectural form, vehicle access and parking, pedestrian access, on-site landscaping, street landscaping, exterior lighting, and signage. However, the guidelines by themselves are not sufficient to ensure that development will be compatible with the character of the area and sited and designed to protect views to and along the ocean and scenic coastal areas as required by Coastal Act Section 30251.

Although the text of Chapter 4 states that sensitive coastal resources within the GPD district should be protected, including views from public areas such as Highway One and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, this language is not incorporated as a policy. Further, the guidelines are not strong enough to match the protections of the Coastal Act. For example, Policy G3.4-1 of the plan states that new development should minimize site disturbance, while Coastal Act Section 30251 states that “new development shall be sited to...minimize the alteration of natural landforms...”

For the proposed design guidelines to be effective in ensuring that new development is consistent with the visual resource protection policies of the Coastal Act, some mechanism beyond the normal procedures for review of projects within the balance of the County’s coastal zone must be put in place so that the detailed design issues raised by the criteria can be carefully applied to individual development projects.

The Commission thus finds that it is necessary to modify Section 3.4, Design Guidelines for Mixed Use and Planned Development Districts. **Suggested Modification No. 8** (see

Page 22) modifies Policy G3.4-1, which states that “New development shall minimize site disturbance,” to read: “New development *shall* minimize site disturbance.” This language reflects the language of Coastal Act Section 30251. In addition, Suggested Modification No. 8 modifies Policy G3.4-2 to state that “the siting and design of buildings shall *protect* [rather than **consider**] river, ocean and hillside views.” Further, Suggested Modification No. 8 adds a new subsection, Design Review, to Section 3.4, and a new policy, Policy G3.4-41, which inserts as a policy for the review of development in the GPD districts the design criteria laid out in Chapter 4 of the Town Plan, and for ease of use, reiterates how Policies G3.4-1 through G3.4-40 should also be considered in the design review of projects in the various mixed-use districts. Policy G3.4-41 also requires design review of proposed new development within the GVMU, GHMU, and GPD districts by the Gualala Municipal Advisory Council prior to filing a coastal development permit as complete. The design review process set forth in this policy will ensure that the detailed design criteria in this section of the Plan will be fully considered and more effectively utilized to ensure consistency with the policies of the Coastal Act concerning the protection of visual resources. Since GMAC already reviews major projects, the main change resulting from the addition of this new policy is that new residential development requiring a coastal permit will now require additional review by GMAC. Residential development that is exempt from coastal permit requirements under the Categorical Exclusion Order or under Section 30610 of the Coastal Act would not require a review by GMAC.

As submitted, the proposed LUP Amendment is not consistent with Coastal Act Section 30251. However, if modified as suggested below, the proposed amendment could be found consistent with the Coastal Act policies affording protection of visual resources.

SUGGESTED MODIFICATION NO. 8: Policies G3.4-1 and G3.4-2 of the Site Planning subsection of Section 3.4 of the Gualala Town Plan, Design Guidelines for Mixed Use and Planned Development Districts, shall be modified as noted below, and a new subsection, Design Review, shall be added as described below:

Site Planning

- G3.4-1 Natural features, such as hillsides, gulches and mature vegetation, shall be considered important design determinants in siting development. New development ~~should~~ *shall* minimize site disturbance.
- G3.4-2 The siting and design of buildings shall ~~consider~~ *protect* river, ocean and hillside views.

. . .

DESIGN REVIEW

G3.4-41 New development shall conform with the above design guidelines, Policies G3.4-1 through G3.4-40. In addition, within the Gualala Planned Development districts, new development shall conform with the criteria established in Chapter 4 of this plan, which provides for the protection of sensitive coastal resources within the GPD district, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River. New development requiring a coastal development permit within the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts shall be reviewed by the Gualala Municipal Advisory Council or some similar advisory council prior to filing a coastal development permit as complete. The advisory council shall forward its findings and recommendations to the permit issuing authority prior to action by that permit issuing authority.

In addition, a portion of **Suggested Modification No. 13** modifies the Gualala Planned Development section of Chapter 4 of the GTP to add a new requirement for the Precise Development Plan:

***Protection of Sensitive Coastal Resources:** The Precise Development Plan must provide for protection of sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.*

The LUP Amendment as submitted is inconsistent with the visual resource protection policies of the Coastal Act and must be denied. As modified, the proposed LUP Amendment is consistent with Coastal Act Section 30251, as visual resources will be protected within the Gualala Town Plan area.

7. Environmentally Sensitive Habitat Areas (ESHA):

Coastal Act Section 30240 states that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Coastal Act Section 30231 states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Gualala Town Plan, while it contains Section 3.8, Protection of Environmentally Resources, does not address directly the issue of environmentally sensitive habitat areas. The Plan states that other provisions of the Coastal Zoning Code, such as environmentally sensitive habitat area regulations, will continue to apply to development in the Gualala Town Plan Area. There are currently existing a number of policies in the certified LCP concerning protection of environmentally sensitive habitat areas. LUP Policies 3.1-3.1-33 address the protection of habitats and natural resources, and provide for, among other things, 100-foot-wide buffer areas to protect ESHA's, limitations on development within buffers, etc. Despite these policies, the Commission finds that, due to the potential of more intensive development near the Gualala River proposed by the Gualala Town Plan, that some additional language is necessary in the Town Plan to ensure consistency with the Coastal Act.

One change proposed by the GTP is the redesignation of two large commercial properties (the Church Street parcel and the Lower Mill site) to Gualala Planned Development, where a mixture of residential and commercial uses will be permitted. The GTP specifically indicates that the flat topography of the Lower Mill site establishes it as one of the few sites in town that would permit development of relatively high density residential uses. Since the Lower Mill site is located adjacent to the Gualala River, development of the site under the proposed new LUP designation with high-density residential development could adversely affect the adjacent riparian habitat if the development is not carefully designed to buffer the habitat from development. Although the background text of the Gualala Town Plan suggested that the Precise Development Plan for the site should provide for protection of sensitive coastal resources, the language is not incorporated as a policy. Therefore, the Commission finds that the LUP Amendment, as submitted, is not consistent with the Coastal Act policies concerning protection of environmentally sensitive habitat areas. The Commission finds that it is necessary to include language protecting the sensitive habitat of the Gualala River to ensure consistency with the Coastal Act, and adds **Suggested Modification No. 13.**

As noted above under Visual Resources, **Suggested Modification No. 13** (see Page 33) modifies Chapter 4 of the GTP, adding a new section on Protection of Sensitive Coastal Resources within the section on Precise Development Plans for Gualala Planned Development districts. The new section requires that a Precise Development Plan for development within the GPD district must provide for protection of sensitive coastal resources associated with the Gualala River, using such means as avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

The LUP Amendment as submitted is inconsistent with the sensitive habitat policies of the Coastal Act and must be denied. However, as modified, the Commission thus finds that the proposed LUP Amendment is consistent with Coastal Act Policies 30240 and 30231, as sensitive habitat within the Town Plan area will be protected.

12. Protection of Water Quality:

Coastal Act Section 30231 states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As noted above in the ESHA section, the Gualala Town Plan contains Section 3.8, Protection of Environmentally Resources, but does not include specific language that reflects Coastal Act Policy 30231 concerning protection of water quality. In fact the County's Land Use Plan contains very little policy language specifically addressing the protection of water quality. However, there are sections of the County's Coastal Zoning Code that provide standards for runoff control and other water quality standards. Without policies in the LUP that call for protection of water quality, the LUP is inconsistent with the Section 30231 of the Coastal Act, and does not provide the policy framework to support the runoff control and other water quality standards found in the Implementation Plan. Thus, a modification to the Town Plan is necessary.

The Gualala Town Plan planning area is an area of concentrated growth and development with the potential to adversely affect water quality. Compared to other, more rural parts of the Mendocino coast, there is more residential development on steep slopes where grading can create erosion and sedimentation problems, and more commercial development that

includes large parking lots where oil and grease deposits from vehicles can concentrate and contribute to polluted runoff. The proximity of the Gualala River to the Gualala Town Plan area also means that polluted runoff is especially of concern. Therefore, the Commission finds that the LUP Amendment, as submitted, is not consistent with the Coastal Act policies concerning protection water quality. The Commission finds that it is necessary to include language protecting water quality to ensure consistency with the Coastal Act, and thus adds **Suggested Modification No. 11** (see Page 34), which incorporates the language of Coastal Act Policy 30231 concerning maintenance and protection of the biological productivity and quality of coastal waters.

The LUP Amendment as submitted is inconsistent with the water quality policies of the Coastal Act and must be denied. However, as modified, the Commission thus finds that the proposed LUP Amendment is consistent with Coastal Act Policy 30231, as water quality within the Town Plan area will be protected.

9. Timber Resources:

Coastal Act Section 30243 states that:

The long-term productivity of soils and timberlands shall be protected, and conversion of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Within the Gualala Town Plan Area, there are two parcels designated Timber Production. The Gualala Town Plan proposes to expand the urban side of the urban-rural boundary so that the boundary coincides with the Gualala Town Plan area. Moving the boundary in this manner would mean that the two parcels designated for Timber Production would be within the urban area. Including such lands within the urban area would increase the pressure to convert those lands to non-timber production lands, inconsistent with Coastal Act Section 30243. Besides encouraging urban uses that may not be compatible with timber production to locate in and around the Timber Production parcels, moving the boundary would make it easier to amend the LCP in the future to allow for smaller parcels. Any proposal to amend the LUP and zoning designations within an urban area are not subject to the limits that Section 30250 of the Coastal Act places on rural land divisions. Therefore, the proposed LUP Amendment, as submitted, is inconsistent with the Coastal Act and must be denied. However the Commission finds that with **Suggested Modification No. 5** (see Page 19), described below, the amendment would be consistent with Section 30243 of the Coastal Act.:

SUGGESTED MODIFICATION NO. 5: Policy G3.1-1 of Section 3.1 of the Gualala Town Plan shall be modified as follows:

3.1 DEVELOPMENT LOCATION

G3.1-1 ~~The urban-rural boundary for the town of Gualala shall be coincident with the Gualala Town Plan area boundary as indicated on Figure 1.1 boundary lines delineated on Land Use Map 31.~~

The proposed LUP Amendment would retain the urban-rural boundary in its current location. As modified, the LUP Amendment is thus consistent with Coastal Act Section 30243, as timberlands will be protected.

10. Geologic Hazards:

Coastal Act Policy 30253 states in part that:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The Gualala Town Plan planning area includes a number of blufftop lots west of Highway One. The Gualala Town Plan does not contain any specific policies concerning geologic hazards such as erosion, landsliding, etc. Where no specific policies are included in the GTP for a resource area, the policies of the certified LCP would apply, and the LCP does contain policies concerning geologic hazards. The LCP contains policies that require preparation of geotechnical reports for blufftop development, and that require new development to be set back from the bluff a sufficient distance to avoid bluff retreat during the life of the structure. Pursuant to the LCP, adequate setback distances are determined from information derived from the required geologic investigation and from the setback formula: $\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$.

However, the LCP does not contain a policy that reflects the language of Coastal Act Section 30253 that new development shall not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The Commission is concerned that, without this language, development might be approved within the Town Plan area that would create a geologic hazard or would necessitate future construction of a seawall, contrary to Section 30253 of the Coastal Act. As submitted, the LUP Amendment is not consistent with the Coastal Act policies

concerning geologic hazards, as policy language similar to Section 30253 is omitted. The Commission thus attaches **Suggested Modification No. 11** (see Page 34) to ensure that new projects in the Town Plan area will minimize risks to life and property in areas of high geologic hazard, and will not create a geologic hazard or require construction of a protective device. Suggested Modification No. 11 adds Policy G3.8-4 to Section 3.8 of the GTP, Protection of Environmental Resources.

If modified as suggested below, the proposed amendment could be found consistent with Coastal Act policies concerning geologic hazards.

SUGGESTED MODIFICATION NO. 11 (part):

G3.8-4 New development shall:

- (3) Minimize risk to life and property in areas of high geologic, flood, or fire hazard;*
- (4) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

11. **CEQA:**

The Coastal Commission's LCP process has been designated by the Secretary of Resources as the functional equivalent of the EIR process required by CEQA. CEQA requires less environmentally damaging alternatives to be considered and the imposition of mitigation measures to lessen significant adverse effects that may result from the proposal. As discussed in the findings above, the proposed LUP Amendment is consistent with the Coastal Act and, if modified as suggested, will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

PART FOUR: AMENDMENT TO IMPLEMENTATION PROGRAM

I. **ANALYSIS CRITERIA:**

To approve the amendments to the Implementation Program (IP), the Commission must find the IP, as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

As submitted, the proposed IP amendment is not fully consistent with and adequate to carry out the policies of the LUP, as modified and certified. However, if modified as

suggested, the IP amendment will be consistent with and adequate to carry out the policies of the LUP, as modified and certified.

II. FINDINGS FOR IMPLEMENTATION PLAN AMENDMENT:

The Commission finds and declares the following for the IP portion of Amendment No. 2-98:

A. FINDINGS FOR DENIAL OF THE IP PORTION OF AMENDMENT NO. 2-98 AS SUBMITTED, AND APPROVAL IF MODIFIED:

1. Amendment Description:

The proposed amendment to the Implementation Program includes four new Zoning Districts, Gualala Village Mixed Use (GVMU), Gualala Highway Mixed Use (GHMU), Gualala Planned Development (GPD), and Gualala Industrial (GI). Four new chapters are thus proposed to be added to the Zoning Code, one chapter each for the four new zoning districts. These new chapters each include a list of principal and conditional uses within each district, plus standards for lot size, density, site development, setbacks, etc. In addition, the proposed IP amendment modifies Chapter 20.458, Second Residential Units, of the existing Mendocino County Zoning Code by adding new language regarding second units, which are proposed to be allowed within the Gualala Town Plan area east of Highway One, up to a maximum of 100.

2. Need for Modification:

In general, the proposed amendment to the Implementation Program is consistent with and adequate to carry out the Land Use Plan, as modified and certified. However, a few modifications are necessary.

Coastal Act Section 30603 lists the types of development that may be appealed to the Coastal Commission when a local government has taken action on a coastal development permit application. Section 30603(4) includes: "Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)."

The new zoning districts proposed by the IP Amendment do not identify for the purposes of appeals to the Coastal Commission one principal permitted use. Since no one type of development is designated as the "principal permitted use," every development permitted in a particular zoning district would thus be appealable. That creates a cumbersome, unnecessary problem that can be rectified by identifying one "principal permitted use" for purposes of appeals to the Coastal Commission. Suggested Modification Nos. 17, 18, 19,

and 22 would identify one “principal permitted use” for each new zoning district, as described below.

SUGGESTED MODIFICATION NO. 17: Section 20.405.010 shall be modified as follows:

Sec. 20.405.010 Principal Uses for GVMU District

The following use types are permitted in the GVMU District, subject to obtaining a Coastal Development Permit and necessary building permits and approvals:

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two Family
Family Residential: Multi Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care
Lodge, Fraternal and Civic Assembly
Religious Assembly

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Financial Services
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales

Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage, Distribution: Light

(D) Coastal Visitor Accommodations and Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 18: Chapter 20.406.010 shall be modified as follows:

Sec. 20.406.010 Principal Uses for GHMU District

The following use types are permitted in a GHMU District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two-Family
Family Residential: Multi-Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services

Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage and Distribution: Mini-warehouses
Wholesaling, Storage and Distribution: Light

(D) Coastal Visitor Accommodations & Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 19: Section 20.407.015 shall be modified as follows:

Sec. 20.407.015 Principal Uses in GPD Districts

All residential, civic and commercial use types other than those listed below as Prohibited Uses shall be considered principal uses in the GPD District upon approval of a Precise Development Plan. Conditions restricting principal uses may be imposed in the Precise Development Plan. Once a Precise Development Plan has been approved, any change in use type or expansion of use shall require an amendment to the Precise Development Plan.

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 22: Section 20.407A.010 shall be modified as follows:

Sec. 20.407A.010 Permitted Uses for GI Districts

The following use types are permitted in a GI District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Civic Use Types

Ambulance Services
Fire and Police Protection Services

(B) Coastal Commercial Use Types

Agricultural Sales and Services
Automotive and Equipment: Parking
Building Maintenance Services
Communications Services
Research Services
Wholesaling, Storage and Distribution: Mini-Warehouses
Wholesaling, Storage and Distribution: Light

(C) Coastal Industrial Use Types

Coastal-Related Industrial

Coastal-Dependent Industrial
Custom Manufacturing: Light Industrial

(D) Coastal Open Space Use Type

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is industrial use.

In addition, the current Zoning Code includes language concerning appeals that does not fully reflect the language that is in the Commission's Administrative Regulations. The Commission thus includes **Suggested Modification No. 24**. This modification adds a section to the Appeals Ordinance in the Zoning Code pertaining to the effective date of local government action on an application for an appealable development to reflect the language of Section 13572 of the Commission's Administrative Regulations. Further, the current Zoning Code includes language concerning the grounds for appeal that reflects the language that was in the Coastal Act at the time the Zoning Code was certified. The Coastal Act has since been revised to change the grounds for appeal. The Commission thus takes this opportunity to revise the Zoning Code to reflect the changes in the law so the Zoning Code will be consistent with the current State law. The Commission thus includes **Suggested Modification No. 25**, which revises Section 20.544.020 of the Zoning Code to be consistent with Coastal Act Section 30603.

SUGGESTED MODIFICATION NO. 24: Section 20.544.015 shall be modified as follows:

Sec. 20.544.015 Coastal Permit Administrator and Planning Commission Appeal.

- (A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in

deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.

- (C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.
- (D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable. (Ord. No.3785 (part), adopted 1991)
- (E) *The County's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:*
 - (a) *an appeal is filed in accordance with Section 20.544.020;*
 - (b) *the notice of final County government action does not meet the requirements of Section 20.544.015.*

SUGGESTED MODIFICATION NO. 25: Section 20.544.020 shall be modified as follows:

Sec. 20.544.020 Coastal Commission appeals.

- (A) An appeal of a decision to approve a coastal development permit may be filed with the Coastal Commission by an applicant or any aggrieved person who has exhausted local appeals, or any two (2) members of the Coastal Commission. The appeal must comply with the requirements specified by 14 Cal. Admin. Code Section 13111, and the appeal must be received by the Coastal Commission on or before the tenth (10th) working day after Coastal Commission receipt of the notice of final action on the coastal development permit.
- (B) An action taken on a coastal development permit may be appealed to the Coastal Commission for only the following types of developments:
 - (1) Developments approved between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

- (2) Developments approved not included within Paragraph (1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;
 - (3) Any approved division of land;
 - (4) Any development approved that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act;
 - (5) Any development which constitutes a major public works project or major energy facility;
 - (6) *Developments approved not included within paragraphs (1) or (2) that are located in a sensitive coastal resources area.*
- ~~(C) — The grounds for an appeal pursuant to Section 20.544.020(B)(1) shall be limited to one (1) or more of the following allegations:~~
- ~~(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses;~~
 - ~~(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast;~~
 - ~~(3) The development is not compatible with the established physical scale of the area;~~
 - ~~(4) The development may significantly alter existing natural landforms;~~
 - ~~(5) The development does not comply with shoreline erosion and geologic setback requirements.~~
- ~~(D)~~ (C)(1) The grounds for an appeal pursuant to Paragraph (2), (3), (4), ~~or~~ (5), *or* (6) of Subdivision (B) shall be limited to an allegation that the development does not conform to the Certified Local Coastal Program *and the public access policies set forth in the Coastal Act.*
- (2) *The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (B) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal Act.*
- ~~(E)~~(D) An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his or her appeal to the local appellate body as required by the County appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:
- (1) The County required an appellant to appeal to more local appellate bodies for permits in the coastal zone than were required in the implementation sections of the Local Coastal Program;
 - (2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts who may appeal a local decision;

- (3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this division;
- (4) The County charges an appeal fee for the filing or processing of appeal.
- ~~(F)~~(E) Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that notice of Commission appeals shall be transmitted to the local appellate body (which considers appeals from the approving authority that rendered the final decision) and the appeal to the Commission shall be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision. (Ord.No. 3785 (part), adopted 1991)

In addition, a few other modifications are necessary to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out the Land Use Plan, as modified and certified, as described below.

3. Visitor-Serving Facilities:

As noted above, the proposed amendment to the Implementation Plan adds four new zoning districts, one of which is described in Chapter 20.407, Gualala Planned Development “GPD.” These new zoning districts reflect the new Land Use classifications established in Chapter 4 of the proposed Gualala Town Plan. **Suggested Modification No. 13** to the Land Use Plan adds language to the section on Gualala Planned Development, subsection on Requirements for Residential Use, which requires a minimum of 50% of the total lot area within a GPD district to be dedicated to residential use. The suggested modification requires that a minimum of 10 percent of the total lot area within a GPD district must be dedicated to visitor-serving facilities, to ensure protection of visitor-serving facilities as a high-priority use.

Since the GTP has been modified to include this new requirement, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified and certified. **Suggested Modification No. 20** (see Page 47) is thus required.

SUGGESTED MODIFICATION NO. 20: Section 20.407.025 shall be modified as follows:

Sec. 20.407.025 Requirements for Residential *and* Visitor-Serving Uses in GPD Districts

At a minimum, fifty (50) percent of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be reserved for visitor-serving uses. Visitor-serving uses include, but are not limited to, bed and breakfast accommodations, inns, hotels, motels, and restaurants.*

The Commission finds that, if modified as suggested, the proposed amendment to the Implementation Plan is consistent with and adequate carry out the policies of the LUP, as modified and certified, concerning visitor-serving facilities.

4. Visual Resources:

As noted above, the proposed amendment to the Implementation Plan adds four new zoning districts, one of which is described in Chapter 20.407, Gualala Planned Development “GPD.” These new zoning districts reflect the new Land Use classifications established in Chapter 4 of the proposed Gualala Town Plan. This chapter includes a list of requirements for developing a Precise Development Plan for the GTP district.

Suggested Modification No. 13 to the Land Use Plan adds a subsection, Protection of Sensitive Coastal Resources, to ensure protection of visual resources in this new district.

Since the GTP has been modified to include this new section requiring protection of views, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified and certified. **Suggested Modification No. 21** (see Page 47) is thus required.

SUGGESTED MODIFICATION NO. 21: A new section, Section 20.407.046, shall be added as follows:

Sec. 20.407.046 Protection of Sensitive Coastal Resources

Sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, shall be protected using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning protection of visual resources.

5. Environmentally Sensitive Habitat Areas:

The new zoning district, Gualala Planned Development (GPD), is described in Chapter 20.407, which reflects the new Land Use classification established in Chapter 4 of the proposed Gualala Town Plan. Chapter 4 includes a list of requirements for developing a Precise Development Plan for the GPD district. **Suggested Modification No. 13** to the Land Use Plan adds a subsection, Protection of Sensitive Coastal Resources, to ensure protection of sensitive resources associated with the Gualala River.

Since the Gualala Town Plan has been modified to include this new section requiring protection of sensitive habitat, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. **Suggested Modification No. 21** (see Page 47) is thus required.

SUGGESTED MODIFICATION NO. 21: A new section, Section 20.407.046, shall be added as follows:

Sec. 20.407.046 Protection of Sensitive Coastal Resources

Sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, shall be protected using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning environmentally sensitive habitat areas.

6. Protection of Water Quality:

To ensure protection of water quality, **Suggested Modification No. 11** adds Policy G3.8-5 to Section 3.8 of the GTP, Protection of Environmental Resources. Policy G3.8-5 incorporates the language of Coastal Act Section 30232 concerning the protection and

maintenance of the biological productivity and quality of coastal waters. Since the Gualala Town Plan has been modified to include this new policy requiring protection and maintenance of water quality, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. **Suggested Modification No. 27** (see Page 54) adds Subsection (J) to Zoning Code Section 20.492.025, Runoff Standards. This section currently includes a number of standards and practices to control polluted runoff. Subsection J, required by Suggested Modification No. 27, provides for the incorporation of other best management practices within the Town Plan area to control polluted runoff. This provision would enable the permitting authority to require in appropriate projects such best management practices as oil and water separators in catch basins, which are not currently included in the Zoning Code.

As submitted, the proposed IP is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. **Suggested Modification No. 27** is thus required.

SUGGESTED MODIFICATION NO. 27: Subsection (J) shall be added to Section 20.492.025, Runoff Standards:

(J) *Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require other best management practices to control polluted runoff, as appropriate*

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning protection of water quality.

7. New Development/Water, Sewer, and Highway Services:

The proposed new Zoning Map for the Gualala Town Plan area shows the proposed expanded urban-rural boundary. The Gualala Town Plan has been modified such that the urban-rural boundary will remain as it currently is. **Suggested Modifications No. 5 and No. 15** modify the proposed LUP Amendment so that the urban-rural boundary is not changed from its current location, and **Suggested Modification No. 16** changes the proposed new location of the urban-rural boundary on the LUP map back to its original location.

Since the Gualala Town Plan has been modified such that the proposed change to the urban-rural boundary is deleted, the Zoning Map must be modified as well. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. So that the Implementation Program, as amended, is

consistent with and adequate to carry out the LUP, as modified and certified, **Suggested Modification No. 28** (see Page 55) is thus added.

SUGGESTED MODIFICATION NO. 28: Change the proposed new location of the Urban-Rural boundary on the Zoning Map back to its original location.

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning new development and water, sewer, and highway services.

8. Geologic Hazards:

To ensure that new development will not result in creation of geologic hazards or require construction of seawalls or other protective devices, **Suggested Modification No. 11** adds Policy G3.8-4 concerning geologic hazards. Since the Gualala Town Plan has been modified to include this new policy concerning geologic hazards, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. **Suggested Modification No. 26** (see Page 53) adds Subsection (E)(4) to Zoning Code Section 20.500.020, Geologic Hazards—Siting and Land Use Restrictions. This section currently includes a number of siting and land use restrictions to prevent erosion. Subsection (E)(4), required by Suggested Modification No. 26, requires that within the Town Plan area, coastal permits for blufftop development shall include a special condition requiring recordation of a deed restriction concerning seawalls and hazards.

It has been the experience of the Commission that in some instances, even when a thorough professional geotechnical analysis of a site has concluded that a proposed development will be safe from bluff retreat hazards, unexpected bluff retreat episodes that threaten development during the life of the structure sometimes still do occur. Requiring recordation of a deed restriction whereby the landowner assumes the risks of extraordinary erosion and geologic hazards of the property and agrees that no bluff or shoreline protective devices shall be constructed on the subject site will ensure that future landowners will be informed that, should an unforeseen event result in accelerated bluff retreat, no protective device may be constructed. Furthermore, some risks of an unforeseen natural disaster, such as an unexpected landslide, massive slope failure, erosion, etc. could result in destruction or partial destruction of the house or other development approved by the County. When such an event takes place, public funds are often sought for the clean up of structural debris that winds up on the beach or on an adjacent property. As a precaution, in case such an unexpected event occurs, the property owner would be required to accept sole responsibility for the removal of any structural

debris resulting from landslides, slope failures, or erosion on the site, and agree to remove the house should the bluff retreat reach the point where the structure is threatened.

As submitted, the proposed IP is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. **Suggested Modification No. 26** is thus required.

SUGGESTED MODIFICATION NO. 26: Subsection (E)(4) shall be added to Section 20.500.020, Geologic Hazards—Siting and Land Use Restrictions, as follows:

- (4) *Within the Gualala Town Plan planning area, a special condition shall be attached to all coastal permits for blufftop development, requiring recordation of a deed restriction that states the following:*
- (a) *The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;*
 - (b) *The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;*
 - (c) *The landowner shall not construct any bluff or shoreline protective devices to protect the subject residence, guest cottage, garage, septic system, or other improvements in the event that these structures are subject to damage, or other natural hazards in the future;*
 - (d) *The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.*

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning geologic hazards and seawalls.